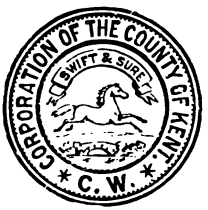
ROBERT STUART WOODS

HARRISON HALL

AND ITS ASSOCIATIONS,

OR

A HISTORY OF THE MUNICIPAL, JUDICIAL, AND EDUCATIONAL INTERESTS OF THE WESTERN PENINSULA,



BY

R. S. WOODS, Q. C.,

JUNIOR JUDGE OF KENT.

CHATHAM:
PLANET BOOK AND JOB DEPT.
1896.

DEDICATION.

To Alexander M. Mason, Esq., Warden of the County of Kent, and Manson Campbell, Esq., Mayor of the City of Chatham:

GENTLEMEN,—The erection of Harrison Hall by the two Municipalities, of which you are the respective heads, with its name and purpose, of which the County and City may feel justly proud, demanded a fuller and more permanent record, representing as it does one of the most remarkable counties in Canada,—territorially greater at one time than some of the kingdoms of Europe, and so large as to include what now makes the States of Michigan, Ohio, Indiana, Illinois and Wisconsin, besides a large portion of Ontario, now distributed over many counties and districts, embracing Detroit and Mackinaw as the seats of our courts and landboards; going southward to the Ohio, westward to the Mississippi and northward to Hudson Bay.

While having taken the liberty of presenting these pages for your acceptance, I have to express my regret that a memorial volume like this should not have fallen to a more experienced pen, but am comforted with the thought that it may lead to further study and inquiry by some of my younger readers and a further and more detailed history of the County and Western District at a future day.

Trusting that both County and City may maintain their proud position among their sister municipalities of Ontario,

I am, gentlemen,

Your obedient servant,

R. S. WOODS.

HARRISON HALL, January, 1896.


MAP OF THE
COUNTIES OF
ESSEX & KENT
CORRECTED TO DATE.
PUBLISHED BY
THE CANADIAN MAP PUBLISHING COY.
HAMILTON.
1896.
CY OF LAMBTON
CHATHAM
GORE CAMDEN
WALPOLE ISLAND
LAKE STEWART
KENT
ESSEX
LAKE ERIE
PELEE ISLAND

PREFACE.

The following pages meet the reader in an entirely different form from that which the author first intended.

The original purpose as far as there was any definite intention, was to publish the history in a series of newspaper articles.

When the manuscript had been completed a number of prominent gentlemen were invited to hear portions of it read. They were unanimous in their decision to have the work put into more permanent form than the newspaper would permit of. Committees were appointed to wait upon the County and City Councils with the suggestion that the work be published in book form, under the joint auspices of these corporations, and the publication, now in the hands of the reader, is the result.

It is sent forth with a two-fold object in view, viz., to present to the public the early and unique history of the County of Kent, and, incidentally, of the Western District; and to impress upon our people the struggles of our forefathers in acquiring the great heritage, of which this is a part, and transmitting it to us with the moral, intellectual, commercial and constitutional blessings now enjoyed by us, and the duty imposed upon all of maintaining them in their integrity and purity.

R. S. WOODS.

HARRISON HALL, April, 1896.

CHAPTER I.

HARRISON HALL AND ITS ASSOCIATIONS.

HAVING often been asked to give my recollections of the County of Kent and the Western District to the public, and as "Harrison Hall" presents a suitable occasion and a good point of departure for a survey of the past, I have felt that my compliance with this request might add a further prestige to our public buildings, and supply an information that would have to be sought from many quarters and perhaps not with a success commensurate with the labor of the inquiry.

It is surprising how difficult it is to get reliable data of some of the most important events and incidents in our history, and what time and research are called for in the pursuit of this purpose.

Many of my younger readers, and, I doubt not, some of the older ones, will have clearer impressions of the time and nature of certain events in our local and general history, than they have had in the past and will learn of some things that they wot not of before.

The opening of a building like Harrison Hall is at all times an event of great interest and importance as marking the progress and purpose of a people. To trace the development of our present condition, is to run back through all our Colonial period, including the thirteen colonies, now the United States—the Anglo-Puritan one—Britain's laws and customs even to Anglo-Saxon times, and French laws and customs with all their peculiarities.

The historic association is far reaching and the backward perspective a distant one.

Here, in our Hall, we shall not only see the every day working of our constitutional, judicial and municipal systems, but learn of their source, progress and success, and of events and incidents of the highest interest connected with them.

Harrison Hall, it may be said, represents (1) an empire won; (2) an empire lost; (3) an empire whose supremacy is world-wide, and of which we are an integral part; and it tells us of seven forms or changes of government in our land: (1) the occupation of Canada by France under the Governors from Champlain, 1608, down to the capitulation in 1760; (2) from 1760 to

1764, British Military rule; (3) 1764-1774, the laws of England: (4) 1774-1791, the Quebec Act; (5) 1791-1841, the Constitutional Act; (6) 1841 to 1867, union of Upper and Lower Canada, and (7) 1867 to the present Federal or Dominion System. But let us drop the empires and governments for the present, and turn to the humbler proportions and purposes of our historic building.

First, it says that this fine structure is the joint product of two Municipal Corporations, one the County of Kent, the other the Town of Chatham; for the judicial, municipal and other functions of both.

It means that suitable Law chambers have been provided for the Judges; that the Sheriff, Crown Attorney, Clerk of the Peace, Master in Chancery and the Clerk of the Crown and Pleas and Clerk of the County and Surrogate Courts have fitting apartments for their work; that the County Clerk and the City Clerk and the County and City Treasurers have their offices; that the County Council has its fine Chambers for its deliberations and legislative duties, as the City Council has its, with all the accessories. Then there are the Electoral Franchise departments of both the Dominion and Provincial, as well as of County and City. Then the office of the Board of Health with its authority over the City; the County Board of Education; the non-denominational, non-sectarian, but eminently catholic and Christian Chamber—the upper Chamber—where the successors of Dorcas, of Joppa, do their good works and alms deeds, without regard to class, color, race, religion or other limitation and dispense their blessings through the community far and wide; and further hallowed by being the Chamber, too, in which have been held meetings having for their object the carrying out of the beneficent Act which seeks to protect the Neglected and Dependent Children of Ontario, the "Children's Protective Act, 1893," and under which an organization has been effected to that end for City and County.

"Harrison Hall" is the outward and visible sign of a cordial unity and co-operation between the two dominant Municipalities of the County. Not that there has been the same municipal organic connection between them that subsisted prior to the year 1880, for, for municipal purposes, they then became divided, under that provision in the Municipal Act that allows a town to withdraw from its original association with the County, even as a village drops out of the township with its new rights and responsibilities.

Having in their co-operative efforts brought about the construction of this fine building with its co-ordinate functions so entirely to the comfort, convenience and economy of the officials, municipalities and public, and the security of their records and

properties, we may feel assured that when their common interests are to be materially benefitted, whether by roads or other enterprises, they will again be found working together, as in this instance—the Town in its recent development into a City by the omnipotent power of the Legislature, having increased responsibilities and capacities thrown upon it.

Through the courtesy of Mr. Fleming, the County Clerk, I am enabled to present your readers with this sketch of Harrison Hall and am sure that all will accord it a full measure of praise for its style, design, purpose and position.

HARRISON HALL.

It stands on the triangular block, No. 87, Old Survey, S. S. of King street and between 5th and 6th streets, fronting on them and on Wellington street and looking up Centre street.

By deed of 19th June, 1889, between Charles R. Atkinson, of Chatham, esquire, of the first part, and the Corporation of Kent and the Corporation of the Town of Chatham, of the second part, and John McGregor, of Tilbury East, gentleman, Hugh Malcolmson, of the Town of Chatham, merchant, and John A. Langford, of Harwich, gentleman, of the third part, in consideration of $5,500.00, it was conveyed to the last named parties of the third part on certain trusts. The position is the most central in the Town, and preferable to the proposed one in Tecumseh

Park. The cost of the building, with its heating and water systems and its fine vaults for the several offices was $38,203.09, the County paying $28,652.32, and the Town $9,550.77.

The building is Byzantine in its architecture, with heavy stone foundation, pressed brick superstructure, trimmed with Ohio free stone, slate roof, with its towers, turrets, dormers, etc., having a frontage of one hundred and twelve feet on Fifth street. one hundred feet on Sixth Street, and a circular frontage of forty-eight feet on Wellington Street, extreme width, eighty-one feet. The streets are flagged and planted with trees and a spirited fountain refreshes the neighborhood ; begun in the Spring of 1889, it was finished in 1890 and occupied on the First of July of that year.

THE LAYING OF THE FOUNDATION STONE.

The corner stone was laid by the Grand Lodge of Ancient, Free and Accepted Masons of Canada, on the 27th day of August, A. D. 1889, A. L. 5889. I give an extract from the official report of their proceedings:

"Prayer having been said by the Grand Chaplain, the acting Grand Master read the following scroll, which was deposited beneath the foundation stone: In the name and by the favor of the glorious Architect of heaven and earth, on this 27th day of August, A. D. 1889, and in the era of Freemasonry, Anno Lucis 5889, and the 53rd year of the reign of our gracious sovereign, Victoria, Queen of Great Britain and Ireland, Empress of India and the dependencies in Europe, Asia, Africa, Australia, Dominion of Canada, etc., etc.

His Excellency the Rt. Hon. Baron Stanley of Preston, G. C. B.. being Governor-General of Canada.

Hon. Sir. Alexander Campbell, K. C. M. G., being Lieutenant-Governor of Ontario.

Rt. Hon. Sir John A. Macdonald, G. C. B., being President of the Council and Premier of the Dominion of Canada.

Hon. Oliver Mowat, Q. C., being Attorney General and Premier of Ontario.

Archibald Campbell, Esq , M. P. for Kent.
Hon. David Mills, M. P. for Bothwell.
James Clancy, Esq., M. P. P. for West Kent.
Robert Ferguson, Esq , M. P. P. for East Kent.
Archibald Bell, Esq., being Judge for Kent.
Robert Stuart Woods, Q. C., being Junior Judge.
John Mercer, Esq., Sheriff.
Sidney J. Arnold, Treasurer.
William Douglas, Esq., Clerk of Peace and Crown Attorney.
Robert O'Hara, Esq., Master in Chancery.

Wm. A. Campbell, Deputy Clerk of the Crown, etc.

The Joint Building Committee—For the County of Kent: John A. Langford, chairman; John Howat, L. E. Vogler, John K. Morris, Thos. L. Pardo, George Johns, T. B. Gillard, John Turner, W. A. Mills and John McGregor; for the Town of Chatham: Hugh Malcolmson, Mayor; John A. Walker, Donald M. Christie, Andrew Northwood and Manson Campbell.

Architect—Thos. J. Rutley.

Clerk of the Works—James C. Fleming.

Contractor—Brother Courtney L. Babcock.

Town Council—Hugh Malcolmson, Mayor; John Flook, Manson Campbell, John A. Walker, John Wanless, Andrew Northwood, George K. Atkinson, John Carpenter, N. J. Bogart Donald M. Christie and O. B. Hulin, Councillors.

John Tissiman, Clerk.

Robert G. Fleming, Treasurer.

This corner stone of Harrison Hall was laid by Richard T. Walkem, Esq., Q. C., Most Worshipful Grand Master of the Grand Lodge of A. F. and A. Masons of Canada, attended and assisted by the Grand Officers and a large concourse of the Brethren, in accordance with the ancient usages of Masonry, which may God prosper."

The Grand Master, in the course of his address, said:

"It is peculiarly appropriate the corner stone of such an edifice as this should be laid by a body possessed of the antiquity, history and origin which I have mentioned. The principles of Freemasonry are identical in character with those of which this building is a symbol—the spread of law and of wisely ordered government and civil liberty."

The "Hall" we see is a representative one, composite in its inception, as it is in its architecture, material and purpose, the fruitage of a very happy relationship between the Town and County.

And now what of the name "Harrison Hall"? Why so called? I might almost say the *motif* for my paper arises from this inquiry. So many people do not know why it is so called, and think it ought to have had another name. It is well named after our honored Chief Justice of the Queen's Bench, the Hon. Robert Alexander Harrison, and yet, as the sequel will show, it might with as good reason have been called after the Hon. Samuel Bealy Harrison.

THE NAMESAKES.

There is a striking parallelism in the lives and pursuits of the two men. The Chief Justice was a Canadian, an able Judge

and a legal author of distinction. He was taken direct from the Bar to the Chief Justiceship, of the Queen's Bench, with the title of "Chief Justice of Ontario," by the Hon. Edward Blake, as Minister of Justice, although differing in political sentiment, an appointment alike honorable to both. His great work, the Municipal Manual, made his name a household word wherever Municipal matters were heard of. In some respects it was without precedent in England or the United States, and peculiar to him. Then the Common Law Procedure Act, a work of great labor, research and value, followed, as indispensable to the lawyer as the other was to the municipal man; the County Courts Procedure Act, the New Rules of Court and a Digest of the Reports of the several Courts of Ontario from the earliest days, and other volumes made him known in England, the United States and the British Colonies as an author of repute. Then, in 1877, he was one of the three arbitrators who fixed the northern and western boundaries of Ontario, Sir Edward Thornton, the British Minister at Washington, and Sir Francis Hincks being the other arbitrators. He was also the member for Toronto in the Dominion Parliament, and died in 1878, at the early age of forty-five.

And now comes the namesake—the Hon. Samuel Bealey Harrison. He was an English lawyer of distinction, and known long before he came to Canada to live, as he did in 1837, as the Author of Harrison's Digest of the decisions in the English Courts from the year 1756 to 1834, an edition of Woodfall's Landlord and Tenant, and other works of merit. In 1839 he became private secretary to our Lieutenant Governor, Sir George Arthur. In 1841 he entered Lord Sydenham's Government as Provincial Secretary, and in July of that year introduced the bill which gave to Upper Canada her Municipal Institutions, as well as the celebrated Resolutions which gave us Responsible Government; and the first general School Bill for Upper Canada, and was the Minister of Public Works, and was, later, Chairman of the Board of Education for Upper Canada in 1848. In 1841 he contested Kent against my brother, Mr. Joseph Woods, who defeated him, when he was returned for Kingston, then the seat of Government of United Canada, but in 1844 he again, and this time successfully, contested the County against my brother, but never took his seat, for, before the meeting of Parliament, he accepted the Judgeship of the Surrogate Court of the Home District, and later became Judge of the Home District, including the City of Toronto, which he held until his death in 1867, in the 66th year of his age. He was called to the Bar of this Province in 1839, was made a Queen's Counsel in 1845. It was his conscientious scruples as to the infliction of the death penalty that prevented his accepting a seat on the Superior

Court Bench, but upon the County Court he conferred a new dignity by becoming one of its judges.

The Canada Law Journal, in speaking of the Digest of the late Chief Justice (Robinson & Harrison's) says, not the least of the claims which that most estimable and accomplished gentleman, the Hon. S. B. Harrison, has on the grateful remembrance of his professional brethren, alike of the English and Ontario Bar, is that he was the first author of a thoroughly good Digest, which was not only best in his own day, but the direct ancestor of the best in ours. Had there been no "Harrison," there would have been no "Fisher," and worse still, to the Ontario lawyer at least, no "Robinson and Harrison."

Both were lawyers; both were Queen's Counsel; both were Judges; both were Members of Parliament; both were legal authors; both reporters of the Queen's Bench; both closely related to our Municipal Institutions, the one as the father of them, the other the commentator; both great workers and both men of the highest character. *Palmam qui meruit.*

Bombastes says, "I can't advise. 'Pon my soul, I can't." As the hyphen is so much in vogue these days why should it not solve the problem, and evolve the euphonious duality of

"HARRISON-HARRISON HALL."

What do you say, impartial reader?

CHAPTER II.

MUNICIPAL ORGANIZATION AND DEVELOPMENT.

HOW Kent, in common with her sister municipalities of Ontario, has grown! What a system the municipal one is and how apt we are, from our familiarity with it, to under-rate or forget its excellencies. It is a machine of infinite capacity and expansion so facile and adaptative to every demand, that it enables you with equal ease to make a culvert over a ditch or borrow a million of dollars, as has been shown in our own County with the drainage laws.

An American Statesman has said of Municipal Institutions: "Profound investigation has been made from time to time as to the historical origin of these little municipal organizations, but I am content to leave the question where John Milton left it 200 years ago. 'But I say,' said Milton, 'even towns and burroughs are more ancient than kings and that the people is the people though they should live in the open fields.' The right and the duty of the citizen to understand and manage their own local affairs; to establish and superintend their own schools; to organize and enforce their own police; and lay and levy their own taxes, and to regulate and control the expenditure of the moneys raised by taxation; freely choosing their own agents for all these local purposes, and their own representatives for the larger concerns and counsels of the commonwealth—the possession and exercise of these special powers and obligations of municipalities have done more than all other things to quicken the intelligence of the whole people and make them capable of achieving and upholding the prosperity and the liberty in which we now rejoice."

Green, in his History of England, says: "In England the history of the town and of the country are one—the privilege of the burger has speedily widened into the liberty of the people at large—the municipal charter has merged into the great charter of the realm.

"All the little troubles over toll and tax, all the little claims of 'custom' and franchise, have told on the general advance of liberty and law. The town motes of the Norman reigns tided free discussion and self-government over from the Witanagemot (or assembly of wise men) of the old England to the Parliament of the new.

"The husting court with its resolute assertion of justice by one's peers, gave us the whole fabric of our judicial legislation. The continental town lost its individuality by sinking to the level of the land from which it had isolated itself. The English town lost its individuality by lifting the country at large to its own level of freedom and law."

Fights fought for freedom, he calls these efforts.

COMMISSIOMERS' REPORT.

An interesting study of our municipal history is here open to us, and the Canadian student will find himself agreeably aided in it by the reports of the Commissioners, appointed by the Ontario Government in 1887, to collect information and report with reference to certain municipal and other matters, which reports appeared in 1888, the Commissioners being the Hon. T. W. Anglin, E. F. B. Johns'on, Q. C., and William Houston, M. A., names well known in Ontario and giving every guarantee of an exhaustive and profitable inquiry.

The Commissioners say they were directed by Commission under the great seal of the Province to collect and report on, for the information of the Legislature and the Government of this Province, the constitution, government and laws affecting municipal institutions in other countries and provinces, and the working of the same and any proposals which have been made and not yet adopted for their improvement, with special reference to any material particulars in which such constitution, government and laws, especially in the case of cities and counties, differ from the constitution, government and laws of municipal institutions in this Province and also to make enquiries with reference to and report on the local machinery in use or necessary to secure the due administration of criminal justice.

The scope of the enquiry we were thus instructed to make is manifestly very wide. We found the materials within our range very meagre. The works on municipal institution to be found in the Legislative Library are few in number, none of them were written for the purpose of facilitating such an enquiry, and nearly all of them were published before some of the important amendments of the laws, which have materially changed the character of the municipal institutions of Great Britain and of many cities of the United States were made.

We endeavored to procure copies of the recent Acts of State Legislation and of State works bearing upon this subject and such information generally as we believed to be necessary in order to carry out our instructions fully, but our efforts in this direction have not been as successful as we could wish.

We find a more profitable field for enquiry in the United

States. From that country we have more immediately received our system, at least in outline. The circumstances of the people of that country more nearly resemble our own in urban and in rural districts and we can reasonably conclude that whatever works satisfactorily amongst them is not wholly unsuited to us.

The township system as distinguished from what is sometimes called the county system, was adopted in New England from its very first settlement. How this came to pass no one seems precisely to know. . The system had become obsolete and almost forgotten in England and there appears to have been no attempt to restore it during the time of the Commonwealth. In their second report the Commissioners say: In our first report of March, 1888, we endeavored as well as the time and means at our disposal would allow, to place before the Legislature and Government of the Province, accurate and detailed information respecting the nature and working of municipal institutions in other countries. Our inquiries covered Great Britain, Ireland, Germany, France. the United States of America, and the Canadian Provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island. We dealt also to some extent with municipal institutions in Ontario, taking the opinions of many experts on their working and alleged defects. In the course of our investigation of the Ontario system, we were forced to the conclusion that the system is now *one of the best in the world* and that it will continue to be one of the best, if from time to time we make those changes and only those which the most deliberate consideration shows to be necessary or desirable. To facilitate such consideration by affording a comprehensive view of the progress of the Ontario system we have made a thorough search of the statutes and Parliamentary proceedings of the Province." And then follows an historical resume of the result of their inquiries in a volume of 329 pages, including the first report, to which I have much pleasure in referring the reader.

MR. M'EVOY'S ESSAY.

The essay of J. M. McEvoy, of London, Barrister-at-law, on "The Ontario Township," and its introduction by Professor W. J. Ashley, then of Toronto University and now of Harvard, Cambridge, may be also read and studied with much benefit.

Professor Ashley says that "nothing is more striking to the intellectual history of our own time, nothing more full of hope than the growing interest excited by political science. It matters but little whether it is called by that name or divided into its various elements, history, economies, administration, public finance and the like." Certainly, the recent battle that has just been waged in Toronto University, by the Political Science Club

and its sympathizers, with the authorities of the College, resulting in a Government Commission with the Chief Justice of Manitoba as its chairman, gives edge to this opinion.

Mr. McEvoy begins his interesting monograph with the Act of 1793, empowering the inhabitants of townships to elect certain officers, and says it is customary to say Ontario is divided into counties, and that these counties are subdivided into townships. It would be nearer the truth to say that Ontario is divided into townships and that these townships are grouped into counties; the first grouping having taken place in 1788 into the Districts of Lunenburg, Mecklinburgh, Nassau and Hesse; these being changed later into the Eastern, Midland, Home and Western, with later groupings.

"The township is the unit to which much of the centralized power and authority of the State has steadily, though slowly, filtered down; and while it has always been the smallest unit of self-government, it has also been that in which the people have most directly participated in the work of government.

To persons who to-day see the extensive and intricate work done by our County and Township Councils, the question arises, 'How was this work done under the town-meeting system?' A large proportion of it was not done at all. The Provincial Legislature did some of it, the great trunk roads having been built by commissioners appointed and paid by the Government. But the great part of the administration of local affairs was in the hands of the Magistrates in Quarter Sessions. They possessed wide, judicial as well as administrative, and taxing powers."

I can't agree with Mr. McEvoy in his depreciation of this Court or of its members.

QUARTER SESSIONS AND J P.'S OF THE WESTERN DISTRICT, 1841.

In the Western District, in my early years, they were as intellectual and representative a body of men as could well be found in any country and I have endeavored to preserve their names by giving the list of the Justices of the Peace for the Western District in 1841:

Charles Eliot,	Francis Caldwell,	Wm. L. Baby,
James Gordon,	Duncan Warren,	John F. Elliott,
Francis Baby,	James W. Little,	Brooke Young,
George Jacob,	Joseph Smith,	*George Duck,
Jean B. Baby,	Robert Innes,	David H. Gesner,
Wm. Duff,	Henry VanAllen,	R. E. Vidal,
John Dolsen,	James Read,	Rowland Wingfield,
Wm. McCrae,	Wm. Gaspe Hull,	Wm. Taylor,

*From this downwards are new magistrates.

Wm. Jones,
Isaac Bell,
George P. Kinley,
Duncan McGregor,
Matthew Elliott,
Charles Fortier,
Wm. E. Wright,
John Prince,
Joseph Woods,
Alfred P. Tomlinson,
Frome Talfourd,
Gorge Durand,
Matthew W. Fuar,
Thos. W. Rothwell,
John Scratch,
Pudeaux Grily,
John G. Watson,
Lewis Gordon,
James Askin,
Wm. Gifford,
George Ironsides,
Wm. Duff,
Wm. Fletcher,
Lionel H. Johnson,
Daniel T. McDonald,
Thos. Williams,
Thos. McCrae, jr.,
John A. Wilkinson,
Charles Askin,
Robert Lachlan,
James Dougall,
Robert Reynolds,
John Ferris,
Horatio Nelson,
Benjamin Lavalle,
Samuel Gardiner,
Robert Mercer,
Thomas Renwick,
T. Southerland, sr.,
James Ruddle,
Alexander J. Wallen,
David M. Coll,
Wm. Cosgrave,
Samuel Arnold,
Thos. W. Smith,
Henry Banwell,
James Baby,
Josiah Strong,
John G. Weir,
Charles R. Nixon,
Charles A. Smith,
John K. VanAllen,
Richard Dobbyn,
Norman L. Freeman,
Archibald Young,
Thos. Hill,
John Sloan.

The following names are omitted in the new commission:

Claude Gouin (resig.),
Henry Jones, jr.,
George Hyde (resig.),
Robert Watson,
A. J. E. Vidal,
Field Talfourd,
Louis Rendt,
Harry Allison,
Wm. Ambridge,
Henry Jones, sr.
V. Sumner (deceased),
Wm. Anderton,
Daniel O'Reilly,
Gordon Buchanan,
Wm. McCormick (deceased),
Nathan Cornwall.

Until 1845 the Chairman was not required to be a professional man, but after that the Judge had to be a barrister of five years' standing, but, as a rule, the most experienced and able Magistrate of the District was appointed and re-appointed from year to year for a succession of years, just as I remember one of our Wardens of this County, Mr. James Smith, of Dawn, being continued in the office of Warden for ten consecutive years without opposition.

But what is remarkable is that up to this day in England a large portion of the administrative work of the parish is done by the Quarter Sessions, in conjunction with the Parish Councils, showing that England, with all her progressiveness, appreciates the capacity of the Sessions, both as a legislative and administrative body; and then it is to be remembered that the Parish Councils have only recently been brought into existence, even in the City of London (1888), while Canada, since 1841, has had her County Councils.

LORDS DURHAM AND SYDENHAM.

While Lord Durham, in his celebrated report upon Canada, 1839, referred to and recommended the adoption of municipal institutions, the Act of Union contained no reference to this important measure.

His Excellency Lord Sydenham, however, in the speech from the throne on the opening of Parliament on the 26th of May, 1841, first Parliament of United Canada, made it the subject of special reference in these words:

It appears highly desirable that the principles of local self-government, which already prevail to some extent throughout that part of the Province which was formerly Upper Canada, should receive a more extended application there, and that the people should exercise a greater degree of power over their own local affairs. I have directed a measure upon this subject to be submitted to you, and I solicit your earnest attention to the establishment of such a form of local government for those districts of the Province which are unprovided with it, as may insure satisfaction to the people, whilst it preserves inviolate the the prerogative of the Crown, and maintains the administration of justice pure from party and popular excitement."

This was followed by the introduction of a Bill on the 14th of July, by the Hon. Mr. Harrison, as already stated.

FIRST MUNICIPAL ACT.

From personal observation as a young man, attending the first Session of United Canada, at Kingston, I can recall the passage of this Municipal Act, and the fierce struggle on the floor of the House in which it was carried. A very erroneous impression is still prevalent in Ontario with reference to this important Act, and as to which party we are indebted, for its adoption, most people referring it to the Hon. Robert Baldwin and his Government for its paternity. But it came from Mr. Draper's Government, from which Mr. Baldwin had retired the first day of the Session. The order of the House was: "That the Honourable Mr. Harrison have leave to bring in a Bill to provide for the better internal Government of that part of this Province, heretofore Upper Canada, by the establishment of local or municipal authorities therein."

It was resisted with great bitterness as a measure introducing democracy with universal sufferage and all its attendant evils, while some opposed it as a matter of "tyranny" and as "a fatal enlargement of the powers of the Executive." It was called "liberal without precedent," "republican and democratic," "an abominable measure," "a monstrous abortion." Sir Allan MacNab, the Hon. S. Cartwright, Hon. Robert Baldwin and others

under the rule of these leaders opposed it. Mr. Baldwin moved the six months hoist. He also opposed the Councils having the power to borrow any sum or sums of money whatever upon the credit of their respective municipal districts or of the property belonging to them in their corporate capacity or in any way whatever." And this power was not given to them.

Again, Mr. Baldwin moved that the 8th clause of the Bill be amended by striking out the words, "300 inhabitants and householders on assessment list as aforesaid," and inserting in lieu thereof the words, "3000 souls."

Mr. Baldwin also moved, "That the said Bill be recommitted with instructions to the committee 'to limit the jurisdiction of the local authorities thereby proposed to be established to counties and ridings.'" And yet he was in favor of municipal institutions, and gave us, in 1849, the more enlarged system.

So jealous was the House of the prerogatives of the Crown that the Executive retained in its own hand the appointment of the Wardens. I have often, in the long interval since the passage of this Act, reflected upon the extreme conservatism that marked the Governments and peoples of the world in viewing everything in the way of reform, or I had almost said, of progress. This was incipient Home Rule, and the Home Rule question of the present day in Imperial politics has hardly been regarded with more aversion, or greater fears for existing institutions and the integrity of the Empire, than this moderate municipal measure, and I can recall many other questions in which the same fears have been expressed, notably Responsible Government, which provoked as much political rancour and dread as the rebellion itself; the Rebellion Losses Act, which nearly led the Conservatives into rebellion on the passage of that Act in April, 1849, and did lead to the burning of the Parliament buildings and the removal of Parliament from Montreal for all time to come. And, perhaps it is not generally known, that side by side with this Municipal Bill, were the Resolutions of Parliament which gave us that great change in our constitutional life, known as "Responsible Government," or the administration of affairs in accordance with the well understood wishes of the people.

The Act 4 and 5 Vic., Chap. 10, entitled: "An Act for the better internal government of that part of this Province, which formerly constituted the Province of Upper Canada, by the establishment of local or municipal authorities therein," went into operation on the first of January, 1842.

FIRST COUNTY COUNCIL OF THE WESTERN DISTRICT.

Sandwich was then the county town of the Counties of

Essex and Kent, united municipally and judicially, but separated for electoral purposes. The Council met at Sandwich in the Court House. There were 26 members. The Warden, who, as before said, was appointed by the Government, was John Dolsen, Esq., of Dover, Deputy-Registrar of Kent, the Registrar of Kent, the late Mr. Wm. Jones, of Baldoon, doing the work of the office wholly through his Deputy, who kept his office at his residence, about three miles down the river. Mr. Dolsen, as one of that large and influential family still prominent in this county, was one of the most silent men I ever met, but he made a good Warden and was at the head of a Council from which material for either the Legislative or Executive Council might have been chosen—cultivated, intelligent men with large experience in township, Quarter Sessions and other duties, well qualifying them for their duties in this field. I give a list of them as the *patres conscripti* of our municipal history:

WESTERN DISTRICT COUNCIL—COUNCILLORS OF 1842.

John Dolsen, Warden.

Anderdon,	John Sloan
Colchester,	John Ferris
Gosfield,	Josiah Strong
Mersea,	John Jackson
Maidstone,	Duncan Grant
Malden,	Robert Reynolds
Rochester,	George Elliott
Sandwich,	John G. Watson
Sandwich,	Dominique Langlois
Tilbury West,	Thomas Hirons
Camden,	David Sherman
Dawn and Zone,	James Smith
Dover E. and W.	Robert Crow
Chatham,	John Crow
Harwich,	William Thomson
Howard,	George Duck
Moore,	James Baily
Orford,	David H. Gesner
Plympton,	Thomas L. Crooke
Raleigh,	Joseph Smith
Romney,	Thomas Renwick
Sombra,	Duncan Macdonald
Sarnia,	George Durand
Tilbury East,	Henry McNeil
Bosanquet,	Neal Eastman
Warwick	Abraham Inglis

They were aided in their labors by an able Solicitor, the late

Judge Chewett, and Mr. John Cowan, their Clerk, formerly the editor and proprietor of the first newspaper published in the Western District—"The Emigrant"—published in Sandwich from 1830 to 1837. The Solicitor used to have his seat on the floor of the Council ready at all times to aid with his advice. This was continued when I left. Upon Mr. Chewett's appointment as Judge of the District Court, in 1845, he was succeeded by Mr. Alexander Duff, of Amherstburg, upon whose death, in 1846, I became the Solicitor and continued so till 1849, and I recall the fact that the Collectors' rolls being placed in my hands for collection not less than twenty of the Collectors were in arrear, which made it somewhat serious for them and their sureties, and not a bad thing for the Solicitor.

THE POUND-KEEPER.

I am thus the oldest Municipal Officer in the three counties, but I have an additional claim to this distinction; for I had the honor of being unanimously elected to the ancient and honourable office of Pound-keeper for the town of Sandwich for the year 1845. This followed upon the election of our candidate, Major Watson, into which were carried all the heat and bitterness of the Parliamentary elections of October, 1844, when the country was inflamed upon the Baldwin-Lafontaine resignation under Lord Metcalfe's alleged departure from the Constitutional Rule of Responsible Government, in his appointment to office without consulting or following the advice of his Ministry. Major Watson's opponent was the late Sheriff William D. Baby, of Sandwich, the law partner of Col. Prince, who had in the general election defeated our candidate, Major Lachlan. After electing Major Watson we left the polls before the election of the pound-keepers, and then came the triumph of the enemy, and to punish me for my support of both Majors, I was nominated as one of the honorable order of poundkeepers, and, I needn't say, the proposal was heartily received. I took it quietly, issued my proclamation promising a faithful discharge of my duties, posted up my bills myself and prepared for work. The Nemesis soon followed. The pigs of both mover and seconder got into the pound, were redeemed, got in again and were sold. So their horses and almost everyone else's horses and cattle, so that my well fenced premises and capacious barns would hardly meet the demand for room, so popular became "Woods' pound"; and the revenues corresponded. That joke was never played again. I remember applying to the April Sessions and getting the by-law amended restraining the running at large of every four-footed beast and there was great wailing in the good old town by reason of the plague. Then there was an indictment and a conviction for pound

breach and a fine of $20, so that my administration became quite memorable.

DISTRICT OF KENT.

In 1847, Mr. Woods, the member for Kent, carried a bill through the House forming Kent into a separate district, known as the District of Kent, and under it a provisional Council was organized for the purpose of providing the new district with a suitable gaol and court house, and on the 17th day of August of that year it held its first session in Chatham, at the Oddfellows' Hall, and continued to sit at different periods until it accomplished its purpose; but not without trying experience and vexation in its efforts to give the district the fine gaol and court house it did, at a cost of £4755 2s. 2d. The members present of this Council at its first opening were: Messrs. Aubry, Crow, Duck, Henry, Mawlam, Mitchell, Ruddle, McKellar, Simpson and Thompson. Their constituencies are not given. None of the men of the ten northern townships appear as present, and at the next meeting in October the abent Councillors are mentioned as being: Campbell, Durand, Fisher, Heatherington, Hyde, Kelchum, Mawlam, McKellar and Moorehouse—both northern and southern members. Mr. Duck was Chairman of this Council.

In 1849, by 12 Vic., c. 78, Mr. Baldwin's Municipal Act, districts were abolished and counties substituted, and Essex, Kent and Lambton united by chap. 79 of the same session, and the old relation with the County of Essex continued until the proclamation of the Governor General at the end of the year 1850, a period of 3 years and 4 months, declaring the separation of the County of Kent from Essex, prior to which, in 1849, the ten northern townships had been taken from her and set apart as the County of Lambton and united to Essex for judicial and municipal purposes, but retained for electoral purposes, and the Hon. George Brown was elected in 1851 for the two counties, Kent and Lambton, defeating Malcolm Cameron. Lambton was proclaimed a separate county on the 30th of September, 1853, and since then has had her own M. P., M. P. P. and County Councils.

On the 27th of February, 1851, the first meeting of the County Council took place in the court house, the change from district to county having been made, as just mentioned, by Mr. Mr. Baldwin's Act, which gave us the more extended system of Municipal Government, including counties, townships, cities, towns and villages.

The new members of the County Council in 1851, under the new regime, the old having lasted eight years, were:

Tilbury West, - - -	Pierre Charron
Tilbury East and Romney, - -	John Wilson

Raleigh,	Nathaniel Hughson
Harwich,	John W. Shackleton
Howard,	George Duck.
Orford,	Daniel Moorehouse
Chatham Tp.,	William A. Everitt
Camden and Zone,	James Smith
Dover E. and W.,	Robt. Mitchell
Chatham Town,	George Weatherspoon

George Duck, Esquire, was elected Warden. Mr. Duck had sat in the Western District from its first session, January, 1842, and been Warden of it, and now became the first Warden of Kent, and was one of the most useful men in the Councils, as his son, Mr. John Duck, also Warden, has been.

Mr. William Cosgrave was made Clerk and continued so until his death in 1867, when Mr. James Hart succeeded till 1872, when Mr. Daniel Kerr succeeded him and continued till 1887 when Mr. Fleming, the present officer, followed him.

I recall the fact that I had in the previous month come from Sandwich to live in Chatham, and addressed a letter to the Council at their session upon the expediency of aiding the Great Western Railway by taking £50,000 of stock in it, and at the request of the Council spoke in its support at the bar of the Council. They did not subscribe, and six years afterwards I had the satisfaction of pointing out to them that if they had followed my advice they would have had an income that would have paid the entire expenses of the County during the period and given them all their money back.

That month our new Court House was opened and his Honor, William Benjamin Wells, presided as the first Judge of the County of Kent at the Quarter Sessions and County Court, and I remember making the first speech in the Chamber. Mr. George Duck, Jr., had become a barrister and was Clerk of the Peace, while Mr. Peter Paul Lacroix was the first Deputy Clerk of the Crown and Clerk of the County and Surrogate Courts.

I avail myself of a page in Dr. Bourinot's last work, "How Canada is Governed," which I think should be read in every household, to give the historic origin of names of municipal divisions and of their offices.

HISTORIC ORIGIN OF NAMES AND OFFICES OF MUNICIPAL DIVISIONS AND AFFAIRS.

In the names of the municipal divisions and of the machinery of municipal administration, we see examples of the closeness with which Canadians cling to the names and usages of primitive times of English Government. The "township" carries us back to the early days when our English forefathers lived in their

village communities, of which the "tun," or rough fence, or hedge, that surrounded them was a feature.

The chief officer or head man of the township was the reeve, who as an "active" or "excellent" member of his community, took part in the various assemblies (moots) of the people. The "alderman" from "earldorman," or elder man, is a link connecting us with the early government of shires,* and was an office of high dignity, still represented by the English lord lieutenant of present times.

Our "riding" or electoral division (as the East and West Ridings of Kent, in the Ontario Electoral Subdivision) is a changed form of "thriding," or "triding," or a local district made and named by the Danes in English Yorkshire. The ancient English shire, which was under an "earldorman," for civil and military purposes, became a "county" in Norman times, because a count (comte) or earl replaced the former functionary.

Our representative body for the local government of a county is no longer called the "folk moot," but the "council," which comes to us from the Normans, who again adopted it from the Latin *concilium*, (or a "collection" of people).

The mayor was an important officer connected with the royal palace of France, and has also come to us from Norman times—its original meaning of "greater" (*major*) having been gradually applied to a principal officer of a local community or municipality.

The "parish" has its origin in a Greek word, first applied in early English and French times to a "circuit," or district, presided over by a priest or vicar, and which, for convenience sake, was formed into a civil division.

"By-law" means simply the law made for the government of a "bye," which was a name given by the Danes to the old English "tun," or township.

MUNICIPAL PURITY.

There is no question that is occupying more attention than the municipal one in Canada, the United States or England.

The conflict that has raged in New York, both in the City and the Legislature, in order to the remedy of the great evils disclosed by the labors of Dr. Parkhurst and others, has commanded the attention of the world; and to-day we see the result in

*The sheriff was in Saxon times the judicial president of the *scir-gemot*, or assembly; (*gemot*) of the shire (*scir*) one of the divisions of the English kingdoms. He was the "reeve" or headman of the shire, the *scir-gerafa*, which has in the course of centuries been softened to sheriff. In Norman times the shiri became a county and its government, judicial, military and financial, was practically excecuted by the sheriff, who was directly responsible to the king. In the course of time he was deprived of his large powers, and became a purely civil officer.

of part this great effort at reform, in the submerging of Tammany, and the installation of a man such as Colonel Strong as Mayor, and Police Commissioners, with a Roosevelt at their head. As in New York so in Chicago, Detroit and elsewhere. And as we have seen on our side, both in Toronto and Montreal. What struggles have taken place over the valuable franchises that Municipal Governments have now to deal with, and how necessary it is to exercise caution in the selection of municipal men. The temptations to sell and buy corruptly are very great and demand the closest watching on the part of the public to see that only competent and honorable men are chosen as representatives. That corrupt practices prevail in our municipalities comes from a want of care on the part of the electors and too ready an acceptance of whoever may be bold enough to seek election; but when the corrupt conduct is discovered there should be no hesitation shown in bringing the offenders to justice in the most summary and resolute way.

Mr. Stead's move in Chicago of getting the church to take up municipal reforn has given the question a great impetus; and when we have women enfranchised, both municipally (as in England) and politically (as in some of the States and Australia), and as I hope to see in Canada, then we may look with confidence to a higher municipal and political life and a not less pure social one.

Woman to-day, in the activities of the church and charitable associations, is receiving an education and exercising an influence that will fit her for a larger sphere of usefulness, and be most persuasively enforced at the ballot-box, but is sure to be felt in the dominion of the household, where for moral and religious agency she will always be supreme.

TEMPERANCE REFORM.

To municipal administration we shall have to look for the most effective means for aiding the great cause of temperance which has made such wonderful progress in the Canadian and American worlds within the past ten years. It is not merely having good laws, but the *enforcement* of them that is wanted as seen in New York with Mr. Commissioner Roosevelt to-day.

We have had our Crooks Act, Duncan Act and Scott Act and plenty of strong earnest Christian feeling in behalf of temperance, and indeed of prohibition, but without effectual enforcement they become worse than no law—because a law disregarded and dishonored—a result most injurious and demoralizing upon all affected by it, whether in the person of the offender, the executive officers or the public. I believe as fully in legislation in aid of temperance, as I do in behalf of any other virtue and against any other vice, but you must have the full, faithful and vigorous

enforcement, or the repeal; and the repeal you can not have, because in every well regulated community there must be *restraint.* When you have higher legislative and administrative elements in the municipality then you will have efficient administration in all the departments. Let this be the aim of every municipality and the beneficial results will soon be manifest.

CHAPTER III.

RESPONSIBLE GOVERNMENT.

HAVING thus dealt with our municipal institutions as given to us by the Act of 1841, and that of 1849, giving us the more extended system, and having placed the Hon. Mr. Harrison and the Hon. Mr. Baldwin in such close relationship with them, I think it would be well here, before passing to the judicial branch of our inquiry and history in connection with the Hall, to lay before our readers the celebrated resolutions upon which rests our system of Constitutional Government according to the well-understood wishes of the people, in which these gentlemen took so prominent a part. And I think I may safely say that few persons, if any, in our county associate this great bulwark of our political freedom, with the distinguished gentleman, as one of its members.

The Municipal Bill having become law on the 12th of July, 1841, on the 3rd of September Mr. Baldwin moved the first of his resolutions on Responsible Government. Some explanation took place between Mr. Baldwin and Mr. Secretary Harrison, who stated that a series of resolutions had been prepared by himself and colleagues, in which Mr. Baldwin had concurred and that he expected that these would have been proposed by that gentleman. Mr. Baldwin stated that he wished his own resolutions put on record, but as he considered those referred to by the learned member for Kingston substantially the same, he should not oppose them.

I therefore give the amendments of Mr. Harrison as the resolutions of the House and as the *lex scripta* of this great constitutional change.

Mr. Baldwin's resolutions were seconded by the Hon. Mr. Viger, while the amendments of Mr. Harrison were seconded by Col. De Sallabury.

RESOLUTIONS UPON RESPONSIBLE GOVERNMENT.

1. "That the most important, as well as the most undoubted, of the political rights of the people of this Province, is that of having a Provincial Parliament, for the protection of their liberties, for the exercise of a constitutional influence over the execu-

tive departments of their Government and for legislation upon all matters of internal government."

2. "That the head of the Executive Government of the Province being, within the limits of his Government, the representative of the Sovereign, is responsible to the imperial authority alone, but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information of subordinate officers in the Province."

3. "That in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare and good government of the Province, the chief adviser of the representative of the Sovereign, constituting a provisional administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

The question being put upon the motion of amendment a division was had thereon with a result of 56 for and 7 against. Among the yeas were Mr. Baldwin, Colonel Prince and the member for Kent, my brother, Joseph Woods. The nays were represented by Sir Allan MacNab, Hon. George Moffatt, Mr. Cartwright, Mr Burnet, Mr. Watts, Mr. McLean and Mr. Sherwood.

4. "That the people of this Province have moreover a right to expect from such Provincial administration, the exertion of their best endeavors that the Imperial authority, within its constitutional limits, shall be exercised in the manner most consistent with their well understood wishes and interests."

And here is the foundation of popular government as we know it in Canada to-day.

HON. S. B. HARRISON.

So closely connected with the history of this county was Mr. Harrison that I cannot let him go yet without a further reference to his first election contest in Kent in 1841. Party feeling ran very high. Lord Sydenham was supposed to represent Lord Durham's views and they were not acceptable to a large portion of the country. Toronto had lost the seat of Government, and Upper Canada her Legislature, and Kingston was to be the seat of Government for United Canada. Mr. Harrison was Lord Sydenham's right hand man and associated with Attorney-General Draper in the leadership for Upper Canada, and had sought, unsuccessfully, to carry the City of Hamilton against Sir Allan MacNab. Over the bad roads of that day he came to Chatham,

just before the nomination, and although there were several candidates in the field all retired in his favor except my brother. The constituency consisted of 20 townships and extended from the Township of Rochester, for then we had Tilbury West a part of the county, to the Township of, and including, Bosanquet, a distance of 130 miles, with only *one polling place and that in Chatham.* The long winter had just broken up and the streams were flooded and the bridges carried away. This was the last election under the old law, when the polling began at 9 o'clock on Monday morning and ended at 12 o'clock Saturday night, and as in this case, even later, for the returning officer at the close of the polls declined, under the advice of Mr. Harrison, who wanted a scrutiny, and which I opposed, to declare that Mr. Woods had a majority of 43 votes. It was not till after a sharp conflict of two hours that he was induced to make the statement, when Mr. Woods was carried away on the shoulders of his ardent and impatient supporters to the balcony of Probett's Hotel, where speeches were made and great rejoicings had and cheers given, and among others, at 3 o'clock in the morning, for young Bob Woods for having forced the returning officer to make the declaration.

I was then a student-at-law in Sandwich and had, with some 25 other voters, ridden from Sandwich to this place taking nearly two days to do it and having to swim our horses over the streams and make our way through the ice on the plains and through the woods, breaking through at almost every step, under the direction of a guide. Our good sheriff, John Mercer, Esquire, was one of the party and tells us some good stories about it.

That was a memorable ride. I recall how well mounted I was, for my horse was a noble grey with the historic name of "Barnet," and owned by the Rev. Thomas Earle Welby, then Rector of Sandwich, and now Bishop of St. Helena, who kindly offered him to me for the occasion. Some of the riders, 25 in number, were old loyal officials who had been notified that those having votes in Kent must come to Chatham and give their votes and influence to the Government. Only a reasonable request and yet it was an awful pill to take; and the first time such a doctrine had been heard. Mr. Robert Berrie, the Clerk of the Peace at Hamilton, had refused to support Mr. Harrison in preference to his old friend Sir Allan MacNab and was summarily dismissed. And this was to be the rule. What consternation and indignation! Support a Government that was going to give us Responsible Government, just after all they had gone through in saving the country from the disaffected and rebellious as well as from the incursions of their sympathizers in the States, and vote against their old and loyal friend,

Joseph Woods, for a member of such a Government! The golden image of the new constitution had, however, been set up and the Daniels were required to fall down and worship it or lose their official heads and be Berried.

What a breeze followed that election from Sandwich to Gaspe! The newspapers and correspondents cropped up as thick as blackberries, as one editor said; not only in the local papers, but all the papers and magazines of the day in Upper and Lower Canada, from the President of the Executive Council down.

I then took my first dip into political letter writing and brought upon myself a threat of prosecution for libel by the returning officer, which, however, was not followed up. The House, on meeting in the following May, instructed the Clerk of the Crown in Chancery to amend the insufficient and illegal return of the returning officer and Mr. Woods took his seat while Mr. Harrison took his for the City of Kingston for which he had been returned in the meantime.

Another marked effect was presented in the case of Col. Prince, the M. P. of Essex, and for whom I had voted the previous week (as in those days the elections were not held on one day or week), and who was then the most popular man in Canada. He wrote a letter to my brother advising him to retire and let Harrison take the county. It was read at the hustings. It indicated the Colonel's inclination towards the administration, and was the beginning of an estrangement between himself and the Conservative party, that led to his being opposed at the next general election by Major Lachlan and his old Conservative friends and supporters, but unsuccessfully. Mr. Harrison afterwards took the Western District and we often met.

COLONEL PRINCE.

Talking of Col. Prince I cannot omit a fuller reference to him, for his advent in the Western District marked an epoch in its history. He came to Sandwich in August, 1833, with his wife, family and servants and was the first man of fortune who had settled in the district. He had been a solicitor in England; was a man of fine presence and most genial manners and one of the most eloquent speakers in the Province; a great sportsman and lover of agriculture and took to farming with much zeal; importing thorough-bred stock and keeping the finest dogs which he brought from England. In the general election of 1836, under Sir Francis Bond Head's appeal to the country he was returned for Essex with Mr. Francis Caldwell, and his impression upon the Legislature was most favorable. The Rebellion broke out the following year and the Colonel (for he was at once appointed such) really became not only the Prince but the King of the

Western District, if not of Upper Canada, so popular was he during and after the Rebellion. His journeys through from Sandwich to Toronto were continued ovations He was admitted to the bar and enrolled as an Attorney in 1838, made a Queen's Counsel and occupied a proud position at the bar and in the Province, and continued to represent Essex till he became a candidate for the Legislative Council in 1856, when he contested the Western Division against Colonel Rankin, and was returned and sat in the Council till his appointment to the Judgeship of the District of Algoma in 1860, which was virtually provided for him, and where he continuously lived, rejoicing in his hyperborean isolation and freedom, and died in 1870. Miss Prince, his only daughter, is the last member of his family and still keeps up "The Park Farm" with all its traditions.

Then there is no doubt that his summary shooting of the prisoners taken at the battle of Windsor, 4th December, 1838, in connection with Sir Allan MacNab's order of the previous December to cut out the Caroline, did more to put an end to the invasion of the western portion of the Province by the Patriots and Sympathizers of that day than anything done by the Government or the regular forces. The act led to an important debate in the House of Lords with Lord Brougham criticizing, and the Duke of Wellington justifying the measure, in which he was supported by the House; and there was also the commission of inquiry in Canada, whose report wholly acquitted the Colonel from the charges made against him, founding their report upon the fact that the act was the determination of the inhabitants expressed at a public meeting when it was determined that no prisoners should be taken. To show the state of feeling at that time against the Colonel, placards were posted up along the public streets in Detroit offering a reward of $800 for his dead body and $1,000 for his living body, and, to protect himself after dark, he had to have an advertisement in the public papers warning all persons against coming to The Park Farm after night as he had spring guns and man traps set for his protection.

KENT—AND DETROIT AS THE DISTRICT TOWN.

By the way, while I am referring to Kent let me state that while for many years we were a subordinate county in the Western District organization, we were in earlier years the dominant one and entitled to send two members to Parliament, while Essex could only send one and that in connection with the County of Suffolk; and to Kent at one time belonged all that territory that lay to the north up to the boundary line of Hudson Bay, and south to the Ohio, and westward to the Mississippi. The first two members were elected from Detroit, one, William Macomb,

the other the celebrated David William Smith, afterwards Surveyor General of Upper Canada, and, later, Sir David. I am able to give this sketch of the life of our first member, and it is only within the past fortnight that even Mr. D. B. Read thought there must have been two D. W. Smiths, but I have established his identity as the first M. P. P. of Kent, elected at Detroit in 1792 with Mr. Macomb, and this I do through a passage in Kingsford, vol. 7, p. 347, in which Governor Simcoe speaks of the return of Mr. Attorney General White and Lieutenant Smith, the son of Major Smith the Commandant of Detroit for the Detroit district, as Hesse used to be called.

Sir David was born 4th September, 1764, only child of John Smith, esquire, sometime of Salisbury, Lieut.-Col. of 5th Regiment of Foot, who died Commandant of the Fortress of Niagara in 1795, by Anne, daughter of William Wayler, Esq., of Rowde Hill and Devizes, County of Wiltshire. At an early age he was appointed by Earl Percy as Ensign in his father's regiment. He resigned his position in the Regulars and held at various times the following offices in the militia, viz.: Col. of Lincoln Militia, Col. of 2nd Battalion of York Militia and Lieut.-Col. of the Percy Tenantry of Riflemen, of Northumberland, England. On the 27th of August, 1792, Mr. Smith was elected a member of the first Canadian Parliament and was re-elected to the two succeeding Parliaments.

As a member of Parliament, in which capacity he served his country for twelve years, his abilities made him one of the most distinguished men of his time; he was chosen speaker to that body in 1797, and re chosen in 1801. Called to the bar on the 7th July, 1794; he bore at various times the titles of Deputy Judge Advocate, Justice of the Peace, Judge of the Court of Requests, Master in Chancery and Privy Councillor. He was the first Surveyor General of Upper Canada, under the Act of 1791, and Vice-President of the Agricultural Society. I am indebted to my friend Mr. James, Deputy Minister of Agriculture, for the additional information that our first member was, on the 27th of July, 1821, created a Baronet; that up to the time he left Canada in 1804 he had received 33 appointments, and, on his return to England, he received 30 more. We may well be proud of Sir David as our first member.

NOT GENERALLY KNOWN.

These facts are not generally known. Macdonald, the publisher of the "Illustrated Atlas of the Dominion of Canada," in 1881, says of this county and its representation in 1792: "There was evidently no representative for Kent in that Parliament, as the full number of sixteen appears without mention of a member

for Kent, which leads to the impression that Mr. Baby, the member for Essex, represented the entire Western District. This appears the more probable when we consider that Kent did not then contain more than half a dozen of families, if even that number inhabited its wilds. The almost entire absence of *data* bearing on the early political history of Kent has precluded the possibility of gaining any intimate knowledge of their details during a long period following the establishment of representative government."

CHAPTER IV.

DISTRICT OF HESSE.

LORD DORCHESTER as Governor-General, by proclamation issued from the Castle of St. Louis, in the City of Quebec, on 24th July, 1788, divided the Province of Quebec into five districts, namely: Gaspe, Lunenberg, Mecklenburgh, Nassau and Hesse.

There's a good deal of German here and not much of either French or English, but it must be remembered that the Royal Family were Germans, and Bell says, "there was probably nothing fortuitous in the adoption of this quaternion of appellations; for they indicated Royalist and Protestant ideas. The grand-ducal family of Brunswick-Lunenburg was a branch of the Sovereign House of Hanover; Queen Charlotte had been Princess of Mecklenburg Strelitz; William III., the champion of Protestantism and overcoming antagonist of Louis XIV. and Jesuitry, was head of the illustrious House of Orange—Nassau; and the Princess of Hesse sent auxiliary forces to combat American rebels."

The District of Hesse comprehended all the residue of the Province in the western or inland parts thereof from the southerly to the northerly boundary of the same, and included Detroit and Mackinaw and the country south of them to the Ohio, and westward to the Mississippi; and on the 16th day of July, 1792, Governor Simcoe, in his proclamation from Kingston, divided Upper Canada into nineteen counties and the Provincial Legislature at its first session at Newark, on the 15th October 1792, (32 Geo. III. c. 8) re-named the above four last named districts in their order, the Eastern, Midland, Home and Western.

KENT

being the nineteenth and last named of the above nineteen counties was described as "comprehending all the country not being territories of the Indians nor already included in the several counties hereinbefore described, extending northward to the boundary line of Hudson Bay, including all the territory to the westward and southward of the said line to the utmost extent of the country commonly known by the name of Canada," and given two members. By the same last mentioned proclamation

Essex was made the eighteenth county and was to be bounded on the east by the County of Suffolk, on the south by Lake Erie, on the west by Detroit River to Masonville's Mill, from thence by a line running parallel to the River Detroit and Lake St. Clair at the distance of four miles until it meets the River Tranche, or Thames, thence up the said river to the northwest boundary of the County of Suffolk.

The seventeenth county, called Suffolk, was to be bounded on the east by the County of Norfolk, on the south by Lake Erie until it meets the Carrying Place (Communication Road) from Pointe Aux Pines unto the Thames, on the west of the said carrying place, thence up the said River Thames until it meets the northwestern most boundary of the County of Norfolk. These two counties, Essex and Suffolk, were united for Electoral purposes and entitled to send one member to Parliament. There is no map in the Crown Land's Office showing the County of Suffolk and it no doubt dropped out after this and passed into Kent. Although it will be seen by the list of the Magistrates given by me later on in the year 1802, taken from Tiffany's Almanac of that year, Suffolk still appears as one of the counties of the Western District, but it subsequently became part of Kent and part of London District. By the 38th, Geo. III., c. 5: An Act for the better division of the Province, promulgated by proclamation 1st January, 1800, the County of Kent is to be composed of the Townships of Dover, Chatham, Camden distinguished by being called Camden West, the Moravian track of land called Orford, distinguished by Orford North and South, Howard, Harwich, Raleigh, Romney, Tilbury, divided into Eastern and Western with the Townships on the River St. Clair, occupied by the Shawney Indians, together with the islands in the Lakes Erie and St. Clair, wholly or in greater part opposite thereto to constitute and form the County of Kent.

And that the Townships of Rochester, Mersea, Gosfield, Maidstone, Sandwich, Malden, and the tracts of land occupied by the Hurons and other Indians upon the Strait, together with such of the islands as are in Lakes Erie, St. Clair and the Straits, do constitute and form the County of Essex.

Sec. 40 provides that Essex and Kent, together with so much of this Province as is not included within any other district thereof, do constitute the Western District.

Under this clause—carried from that attaching to the County of Kent in the former decade—the Sheriff of the Western District used to serve process at the Sault Ste. Marie and Lake Superior, and our present worthy Sheriff, John Mercer, used to do this when acting as Deputy of the late Sheriff Foott, while living at Windsor before coming to live in Kent, which he did in 1851, himself becoming Sheriff as successor to Sheriff Waddell in 1854, continu-

ing so to this present hour and proving one of the best officials in our well-administered Province.

Sec. 7 of the Act of October, 1792, authorized the Justices of the Peace in Quarter Sessions assembled to procure plans and specifications and elevations of a gaol and court house, and to contract for same to be completed within eighteen months, and that the gaol and court house for the Western District shall be built in the manner aforesaid as near to the present court house as conveniently may be. This of course was in Detroit.

By 33, Geo III., c. 6, 1793, it was provided that the Courts of Quarter Sessions of the Peace for the Western District should commence and be holden in the Town of Detroit, and that Special Sessions of the Peace should commence and be holden yearly and in every year in the Town of Machilmackinac.

Among other of the strange and interesting things that present themselves at this time is the Act of 3rd June, 1796, which may be called the Exodus Act as it provides for the departure of British authority from Detroit to Sandwich, and enacts that so much of the above-mentioned Act which directs that the Courts of Quarter Sessions of the Peace for the Western District shall commence and be holden in the Town of Detroit on such days and times as are therein mentioned; and that a special Session of the Peace shall commence and be holden yearly and in every year in the Town of Machilmackinac at certain times therein mentioned, *be repealed;* and that from the passing of the said Act the Court of General Quarter Sessions of the Peace for the Western District shall be held in the parish of Assumption, in such place as may be now found most convenient to the magistrates of said district or major part of them, on the second Tuesday in the months of July, October, January and April, until such time as it shall seem expedient to the Justices or major part of them to remove and hold the same nearer to the island called the Isle of Bois Blanc, being near the entrance of the Detroit River; and if it shall appear expedient to the said Justices to hold the said General Quarter Sessions nearer to the said island, it shall and may be lawful for them to remove the same having given three months' notice of such removal.

A similar provision is made as to the County Court which, with the Sessions by the Act just referred to, had been held in Detroit in 1794, and it was to be held where the Quarter Sessions were held as above provided The last court of Quarter Sessions held in Detroit was in January, 1796, as the removal took place to Sandwich that summer. And as there never was a removal to Bois Blanc or Amherstburg, the court house was erected in Sandwich on the ground where the present court house stands, adjoining our old homestead. It is here that the sceptre passed from Kent to

Essex, inasmuch as Sandwich became the permanent seat of the courts and has continued so till to-day, despite the efforts of Windsor to have them removed; but Kent continued to have her two representatives until the Act of 1820 was passed, which required a population of 4000 souls to give two members, which she then had not, but which she recovered in 1834 and again lost in 1841 under the Union Act.

DETROIT—SEAT OF COURTS FOR HESSE.

And now, having crossed the Detroit River and found ourselves over there, with our courts and judges and all that is implied by the crossing of the boundary, we shall be compelled to go back to the days when and how it became ours, and when and how we lost it, and, as a consequence, when and how we lost the thirteen original Provinces or Colonies and why it continued so long in our possession after the Treaty of Versailles, 1783—recognizing the Independence of the United States and giving them this territory—as we did not quit Detroit till the 11th of July, 1796, thirteen years after, during which time our Courts and Land Board and Members of Parliament dealt with the wants and interests of the District of Hesse and the Western District as represented by the Counties of Kent and Essex; Kent enjoying the honor of having the first of our courts of Quarter Sessions, County Court, Common Pleas and Queen's Bench. Many of our farms in this county as well as Essex having been granted by that Board in Detroit. And we shall be surprised to see our Lieutenant-Governor Simcoe coming up overland from Newark, in February, 1793, to Detroit to inspect the garrison and the 24th Regiment of Foott quartered there, and again the following year coming up under direction of Lord Dorchester, the Governor General, to construct a fort at the foot of the Miami Rapids, 50 miles from Detroit, which he did; and to find that it needed a second treaty—Jay's, of 19th November, 1794—to bring about the evacuation.

The name of the old district will be endeared to us in recalling the sad death, a few years ago, of the Princess Alice of Hesse, the second daughter of our beloved Queen, who became the victim of diphtheria from kissing the lips of her dying child.

CHAPTER V.

FRANCE'S SURRENDER OF CANADA.

IN addition to the thirteen American Provinces which England held, the triumph of Wolfe at Quebec on the 13th of September, 1759, and the capitulation of Montreal on the 3rd of September, 1760, in the words of the great Commoner, Pitt, added an empire to England's rule; and as New France included as we have seen all the country from Quebec south to the Ohio and west to the Mississippi and, of a consequence, Detroit and Mackinaw, as most important posts with which our courts and county officials are associated, we must now make the *capitulation* our starting point in the retrospect.

Dr. Kingsford has said:

"There are few portions of our history of which we are so ignorant as that of the years intervening between the Conquest and the passage of the Quebec Act of 1774, and of the further interval to the Constitutional Act of 1791, which divided the country into Upper and Lower Canada and extended representative institutions into the two Provinces."

And in his grand history of "Canada from the earliest date of French rule," which I recommend most warmly to my readers, he has sought to supply the fullest information and lead to the soundest conclusions; and with the opinions of other writers I have sought to make this period of our history better understood than it is by the general reader.

Kingsford again says: "The capitulation of Montreal surrendered the whole of Canada to Great Britain, and it accordingly became necessary to establish a form of Government by which order would be preserved. It was indispensable to provide machinery by which the business of life should proceed with decency and security. Whatever system was introduced could only be regarded as temporary, but however short the period it had to endure, it had to be well considered and efficient. The problem to some extent had been assisted by the year's possession of Quebec by Murray. That period, however, had been one of war. The period has come down to us under the name of the *regne militare* as given by the French Canadian writers and the term to a certain extent has become accepted. It lasted nearly four years, from September, 1760, to October, 1764.

"There are those who having never investigated the facts and imperfectly recognizing the necessity for the establishment of some institutions for the maintenance of law and order, have accepted its nomenclature as an indication of the harshest and most unjust domination, and the Government has been misrepresented as one of continual wrong and persecution. No opinion could be more illfounded. The greatest care was taken to conduct the Government in accordance with the old systems of the Province and in conformity with the law which had hitherto prevailed in Canada, the one desire was to provide for the well-being and contentment of the people. There was no attempt to introduce English laws and still less to judge by military law. All that these courts had of the military element was the name. Between the capitulation and the peace, Canada was occupied as a conquered country and the basis of authority was the force with which it was held. A more correct title would have been the period of the Governor's Courts or temporary Government; for the name given is in all respects a misnomer. It is an act of injustice to identify the principles of Government laid down by Amherst as those of military rule, which means coercion at the bayonet's point."

Watson, in his Constitutional History of Canada, says: "After the capitulation the formative pressure of military rule began to work, but the system, which lasted about four years, was never before nor since *so tenderly administered.*"

TREATY OF PARIS, 1763.

The Treaty of Paris was signed on the 7th of February, 1763, but eighteen months passed before any change in the Government took place.

I think I ought to state here for the information of those who have not access to the treaties or to Dr. Kingsford's fine volumes in which they appear and from which I take this, the parties to this Treaty of Paris and some of its provisions: and, more particularly, in view of the close relationship in which Newfoundland is seeking to stand to the Dominion and the new international relation in which we should stand to France, and it is curious to see how the questions of that day are conspicuous to-day. Newfoundland fish and French aggression are as active elements of contention as then, while the seals of Behring Sea come in as the equivalent of this fur trade and its jealousies and contentions. And when we see Spain and her Nootka Sound pretentions on the Pacific Coast in 1790, and see Russia to-day seeking Spain as a referee in the Chino-Japanese complication, we see how history repeats itself. The parties to it were Great Britain, France, Spain and Portugal, and by it England became the possessor, not only of Canada, but Nova Scotia and Cape Breton, and the West India Islands of

Saint Vincent, Dominica, Tobago and Grenada. Minorca was restored to Great Britain. She likewise obtained possession of Senegal in Africa, and France was bound to keep no troops and raise no fortifications in Bengal. The Spanish pretensions were abandoned—the questions of capture were referred to the British courts of law. The British were admitted to cut log-wood at Honduras. Spain relinquished all claim to fish off Newfoundland. Havana (Cuba) was given back to Spain and in return the present State of Florida was ceded to the British Provinces, and France as compensation transferred Louisiana to Spain. France and England agreed to abstain from prosecuting the war in Germany. The French to restore territories held by them in Hesse and Hanover. Dunkirk was to be reduced to the state of which it was after the Peace of Aix-la-Chapille. The cession of Canada was accompanied by the condition that the King of Great Britain would give the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rule of the Roman Catholic Church as far as the laws of Great Britain permit.

The inhabitants had also the liberty of returning from Canada to France with their property unrestrained within eighteen months. France received the Islands of Gaudaloupe, Martrinque and Saint Lucia and was allowed the right of fishing in Newfoundland and Gulf of St. Lawrence. Her fishermen, however, were unable to approach within fifteen leagues of Cape Breton. Bute not only renewed the conditions of Utrecht, but he ceded the Islands of St. Pierre and Miquelon. Only 50 men to be kept on the island, and an English commission was to have the right of inspection that the condition was complied with. In the articles of the treaty the latter point was not admitted.

TREATY OF UTRECHT, 13TH ARTICLE OF.

The 13th article of the Treaty of Utrecht, 1713, between France, England and the Dutch, to which allusion is made in the Treaty of Paris, is as follows:

13. "The island called Newfoundland with the adjacent islands shall from this time forward belong of right wholly to Britain, and to that end the town and fortress of Placentia and whatever other places in the said island are in the possession of the French shall be yielded and given up within seven months from the exchange of the ratification of this treaty or sooner if possible, by the most Christian King, to those who have a commission from the Queen of Great Britain for that purpose. Nor shall the most Christian King, his heirs and successors, or any of their subjects, at any time hereafter, lay claim to any right to the said island or islands or to any part of it, or them. Moreover it

shall not be lawful for the subjects of France to fortify any place in the said Island of Newfoundland, or to erect any building there, besides shops made of boards, and huts necessary and useful for drying fish; or to resort to the said island beyond the time necessary for fishing and drying of fish, but it shall be allowed to the subjects of France to catch fish, and to dry them on land in that part only, and in no other besides that of the said Island of Newfoundland, which stretches from the place called Cape Bonavista to the northern point of the said island called Point Riche. But the island called Cape Breton, as also all others, both in the mouth of the River St. Lawrence and in the Gulf of the same name shall hereafter belong of right to the French, and the most Christian King shall have all manner of liberty to fortify any place or plans there."

The season prevented the immediate transmission of the proclamation, for it only reached Canada on the 10th of August, 1764, at which date Murray assumed the Government and the system hitherto followed ceased to prevail. The proclamation established four new provinces in the territory ceded as distinct and separate Governments. Quebec, East Florida, We t Florida and Grenada.

At the time Murray received his commission two civil officers arrived from England, William Gregory appointed Chief Justice, and George Suckling, Attorney General. Neither knew a word of French. They were soon superseded.

In September the ordinances establishing the courts were published. They consisted of the Queen's Bench holding sessions twice a year, in January and June, to try civil and criminal cases according to the law of England, with appeal to the Governor in Council when the sum involved exceeded £300 and to the King when exceeding £600.

The Chief Justice was to hold a Court of Assize and Goal Delivery once a year after Hilary term in Montreal and Three Rivers. In February, 1766, Murray received instructions to modify the practice of the courts. He was directed to pass an ordinance admitting Canadians of French origin to serve on juries. In suits affecting British contestants only, the jury should be British. When one was French Canadian the jury should be mixed. When both parties were French the jury should be so constituted. Canadians were likewise admitted to practice in the courts.

Trial by jury and habeas corpus were a great advance in a French community. Justices of the Peace were appointed for these districts, one Justice of the Peace with jurisdiction in disputes to the value of £5, £10 by two. These Justices of the Peace would form a quorum to hold Quarter Sessions to adjudicate in

cases from £10 to £30. Two justices to sit weekly in rotation in Quebec and Montreal. An ordinance established the guinea at £1, 8s., and the shilling at 1s., 4d. The ordinances were legalized when proclaimed by beat of drum in Quebec, Three Rivers and Montreal. They were published in the Quebec Gazette in French and English. It was at this time that printing was introduced into Canada, no press having been in operation during French rule. The Quebec Gazette was first published on 21st June, 1764, there being no printers in Canada, they were found in Philadelphia, William Brown and Thomas Gilmore, the latter sailed to England to make arrangements for the type, press and paper. Brown came to Quebec to obtain subscribers. The paper was published in columns of French and English. No book or document had been previously printed in Canada. The Gazette was the only published paper in Quebec for a quarter of a century until 1788. Subscription $3 a year. It continued to be issued weekly until 1818, when it appeared twice a week and was so continued until 1832. This reminds me of what the late Dr. Ryerson experienced when, as editor of the Christian Guardian, he had to go to New York to get type, press and paper and when, as he says, he travelled by stage at the rate of one mile an hour through the State of New York. The worthy doctor must have offered up a lamentation that no Macadam had found his way into the Empire State. George Brown, too, had to go to New York for his press and type for the Globe. I must add here that the Halifax Gazette had appeared in 1752. Governor Murray who had lived much among the Canadians of Quebec since 1759, formed a high opinion of them as a body and would in no way be a party to their being treated with injustice or wrong by those whom he described as "licentious fanatics." Have they yet passed away?

Sir Guy Carleton succeeded Murray and matters went on with a fairly contentented people until the passagé of the Quebec Act of 1774, and as we are more interested in what happened at this western end of the Province, i. e., Detroit and Mackinaw, we will hear what the late Chief Justice Campbell, in his Political history of Michigan, has to say of it. But before doing so let me say that Detroit was surrendered on the 8th of September, 1760. Major Robert Rogers, the celebrated officer commanding the "Queen's Rangers," with a force consisting of part of the 60th (Royal Americans) and 80th Regiments, appeared before the town and demanded its surrender, which was granted by M. Bellestre, the commandant. Rogers came to Detroit from Montreal, by way of Cleveland, O., where he met Pontiac, the great conspirator, and informed him of the surrender of Canada and his mission to Detroit.

CHIEF JUSTICE CAMPBELL AND DETROIT DISTRICT.

The Chief Justice says: "In 1774 an Act was passed by the British Parliament, called the Quebec Act, by which the entire British possession west of New York; north of the Ohio, and east of the Mississippi River, were incorporated into the Province of Quebec and made subject to its Government.

"By this Act the Council had the power to impose such taxes as the inhabitants of the various local districts should vote for roads, buildings and other local purposes, but this was all.

"Although in the lower parts of the Province (Montreal and Quebec) where the settlements were more dense, the system of Government assumed an external appearance of legal formality, no attempt or pretence was made to relieve the western region from martial law. A Lieutenant-Governor was sent to Detroit, who had almost, if not absolute authority. Henry Hamilton was first appointed in this capacity and arrived in Detroit in 1775. The old system was to terminate May 1st, 1775. It was not till 1788 that any courts whataver were established in Upper Canada. In that year, on 24th July, Lord Dochester by proclamation created the four districts in Upper Canada, Lunenburg, Mecklenburgh, Nassau and Hesse. The latter embraced all the country west of Long Point on Lake Erie, and as Detroit was still retained in British possession it came within the jurisdiction of that district. The courts were called Courts of Common Pleas, being courts of record with a clerk and sheriff. Their jurisdiction was plenary with no appeal unless to the Governor-General. These judges were not bred to the law, as there were no lawyers in Upper Canada until 1794. They were generally men of wealth and influence, and in civil matters their judgments were probably just. They knew nothing of criminal law and banished, imprisoned, whipped or pilliored such unlucky culprits as were convicted before them. It is erroneously stated by Caniff that the first person hanged in Upper Canada was convicted before Judge Cartwright of the Mecklenburgh District. The honor or dishonor of that judicial exploit, belongs to Judge Dejean, although there were perhaps some court-martial convictions before. The first Judge of Common Pleas for the District of Hesse was the Hon. Wm. D. Powell. He was appointed in 1789 and assumed his functions in the same year. All the other Judges and the Clerk of Hesse were appointed in 1788. Gregor McGregor of Detroit, was appointed by Lord Dorchester, Sheriff, and Thomas Smith of the same place as Clerk and Commissioner of the Peace on the 24th of July, 1788, the day when the districts were created. The Court held its first session in 1790, and an execution sale of lands (an innovation on the common law) was made by Sheriff

McGregor under a judgment rendered in August, 1790. (It may be mentioned here that the three Justices of the Court of Common Pleas who had been appointed on 24th July, 1788, were Duperon Baby, Alexander McKee and William Robertson.)

"Until the action of the Governor-General in 1788, the Detroit settlement and its dependencies, including all the western posts, remained without any civil Government. Although the preamble of the Quebec Act gave us a reason for its enactment, the fact that under the King's proclamation of 1763, there were several colonies and settlements which had been left without any provision for civil Government, neither the Act itself, nor the administration under it, made any approach toward such a provision, until five years after the Treaty of Peace of 1783 had rendered the retention of Detroit by the British a wrongful and arbitrary usurpation. In the beginning of 1775 we see the first step taken for preventing the sale of rum to the Indians. This proceeded from the merchants of Detroit, a penalty of £300 New York currency was imposed for any infraction.

"It is an interesting fact that the Boston Port Bill which changed the Government of Massachusetts and that for trying American offenders in England and depriving them of trial by a jury of the Vicinage, were introduced with the Quebec Bill and as parts of one scheme. Detroit commanded the whole Indian country. Several land grants were made by the Commander at Mackinaw on the mainland, and Bois Blanc Island, Grosse Isle and Hog Island in the Detroit River, were granted—the former to Alex Macomb and the latter to Geo. McDougall.

"The change of allegiance made no change in the social relations of most of the citizens. They had been old associates and good neighbors and had no personal quarrels. It was generally felt that in the main the course of the British sympathizers was such as might fairly have been expected from those who had felt no political grievances, and it was also known that the British Ministry, in its extreme courses, did not fairly represent the British people, from whom the entire heritage of American liberty had descended."

THE QUEBEC ACT, 1774.

It has to be admitted that this Act was a source of extreme dissatisfaction not only to the British subjects, but to the French Canadians.

Chatham pronounced it "a most cruel, oppressive and odious measure, tearing up by the roots justice and every good principle; that the whole of it seemed to him to be destructive of that liberty which ought to be the ground work of every constitution, and that it would shake the affections and conditions of His Majesty's sub-

jects in England and Ireland, and finally lose him the hearts of all the Americans."

Watson, in his Constitutional History, says: "Thus passed a measure which in its far-reaching disastrous results was, not even excepting the Stamp Act of 1765, which began to goad the thirteen colonies to revolution, the worst Act the British Parliament ever imposed on an American colony."

Kingsford says: "No one, I think, can fairly deny that the Act was wise and just in its main provisions, one objection against it, in my humble opinion, may be justly taken: the comprehension into the newly-created province of the territory west of the settled parts of Canada, at the period of French rule. The Act really enforced upon the inhabitants passing into this territory the same laws which prevailed in Canada, and all such immigration must have been from the British Government."

The Congress (not Congress as it now is, for this was before the little Lexington unpleasantness which happened in April, 1775, but the Congress of the delegates of the Colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle, Kent and Sussex on the Delaware, Maryland, Virginia, North Carolina, and South Carolina, deputed by the inhabitants of the said Colonies to represent them in a general Congress at Philadelphia, in the State of Pennsylvania, to consult together of the best methods to obtain redress of their afflicting grievances) on the 24th October, 1774, drew up an address to the people of Great Britain enumerating their grievances. They said: "Several cruel and aggressive Acts have been passed. Also an Act for extending the Province of Quebec so as to border on the western frontiers of these Colonies, establish an arbitrary Government therein, and discourage the settlement of British subjects in that wide extended country; thus by the influence of civil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant colonies whenever a wicked ministry shall choose so to direct them."

Professor Seeley says that with the triumph of Wolfe on the Plains of Abraham began the history of the United States.

Baron Meseres in 1779 said that the Act "had not only offended the inhabitants of the Province itself, in a degree that could hardly be conceived, but had alarmed all the English Provinces in America and contributed more, perhaps, than any other measure whatsoever, to drive them into rebellion against their Sovereign." This discontent both in Canada and the American Colonies led no doubt to the action of the latter in sending in their army under Arnold and Montgomery against Canada,

which, through the heroic devotion, courage and wisdom of Carleton, resulted so disastrously to them in the death of Montgomery, before Quebec in December, 1775. Kingsford says, it looked as if British possession of Canada was to cease in a few weeks, and as if one of the earliest triumphs of the Revolution would be the dismemberment of the lately constituted Province from its connection with the Empire.

And here we ought to pause and rejoice that there was one man in Canada—he, the Governor,—who was determined that Canada should not be lost to the Empire and who, in so heroic a way, went from Montreal, which had surrendered to Arnold, to Quebec under the greatest difficulties, and there, in the last stronghold of the Province, saved it from the hands of the invaders. Oh that the spirit of that brave English General animated every man in Canada and there would be no Independence, or Annexation, or Commercial Union, or Unrestricted Reciprocity, or any other political or commercial fad, but a Carleton-Spartan resolution to hold Canada as she is with no prouder heritage than that of being a part of England's Empire.

I continue the history of this period by giving in part Mr. Read's concise and clear review of it in the introduction to his "Lives of the Judges." He says:

"Previous to the passing of the Constitutional Act of 1791, the condition of affairs—civil, political and judicial—was so widely different at different epochs that it will be profitable, if not necessary, to pass in review the state of affairs legal in the Province of Quebec during this *ante* 1791 period.

The old Province of Quebec was, by an Act of the Imperial Parliament passed in 1791 (31st Geo. III c. 31) divided into the two Provinces of Upper and Lower Canada. The period extending from 1759, the date of the conquest, may well be termed the revolutionary period of the law of Canada.

It can easily be conceived that in a part of this intervening period, viz., the period between 1759 and 1763, in which latter year the Treaty of Peace was come to by Great Britain and France, by which the Province of Quebec was ceded to Great Britain by France, the state of the law and its administration in the Province were in a very satisfactory state. The population was a mixed one, comprising French of France; French Canadians, born in the Province; Indians; Metis, or half-breeds; English officers; English soldiers, and English traders; a large majority, however, being native-born French Canadians.

MIGHT RATHER THAN RIGHT.

Up to the Treaty of Peace in 1763 the law which governed was rather the law of might than of right. The French Cana-

dians had become a conquered race and were in the power of the conquerors. There was nothing to show that the law was improperly or harshly administered during this period. Nevertheless, with a French population not understanding English and an English tribunal not understanding French, it could not be otherwise than that differences and altercations of a serious character should occur. On the one hand, the French dearly loved their own laws, and did not at all relish the change in Government The English were of opinion that British subjects, as the French had become by conquest, should be governed by and be willing to submit to English law pure and simple.

The case stood thus: By the 21st article of the Articles of Capitulation, entered into at Montreal, 8th September, 1760, between General Amherst, Commander-in-Chief of His Britannic Majesty's troops in North America, and the Marquis of Vandreuil, for the French, it was provided that the English General should furnish ships for carrying to France the Supreme Court of Justice, Police and Admiralty.

Military rule was finally brought to an end, the Treaty of 1763 was signed.

There is nothing in the treaty which gave the French Canadians, or French of France, the old laws and customs of Canada—those which prevailed before the conquest. There was a clause (clause 4) by which His Britannic Majesty agreed to grant the liberty of the Catholic religion to the inhabitants of Canada. "He will consequently give the most precise and effectual orders that his now Catholic subjects may profess the worship of their religion according to the rights of the Roman Church as far as the laws of Great Britain will permit." There is not a line in the treaty about laws and customs, though special regard was paid to the matter of religion. Reading the capitulation articles and the treaty together, it is apparent that the French, both by negotiation and treaty, had the greatest solicitude for their church and their religion; that the English appreciated this, giving them very exclusive religious privileges and rights, but always reserving the rights of British Law.

In October, 1763, a proclamation was issued by Governor Murray, the Commander-in-Chief of Canada, establishing four separate Governments out of the territory in America ceded by the Treaty of Paris. They were Quebec, comprising the whole of Canada; East Florida, West Florida and Grenada. This proclamation stated that as soon as the circumstances of the Colonies would permit, general assemblies of the people would be convinced in the same manner as in the American Provinces. In the mean time the laws of England were to be in force. The proclamation adds that until such an assemblage could be called the royal pro-

tection was promised to all resorting to the Province, and authority was given for the establishment of Courts of Justice, civil and criminal, with right of appeal to the Privy Council.

The Treaty was signed on 10th February, 1763, but no change was made in the Government of Canada for eighteen months after. Governor Murray was appointed on the 20th October, and he may accordingly be considered the first Governor-in-Chief of Canada. Two years had not elapsed after the signing of the treaty when the Governor-General, acting under instructions, formed a new Executive Council composed of the two Lieutenant Governors of the two Districts of Montreal and Three Rivers, into which the Province had been divided, the Chief Justice, the Inspector General of Customs, and eight other persons chosen from among the inhabitants of the colony, who, with himself, should possess all executive legislative and judicial functions. This Act was a remodelling of the whole previous system.

A court called the King's Bench and another called the Common Pleas were established. Both were to render decisions based on the law and practice of England, subject to appeal to the Executivé Council.

The French soon manifested their dissatisfaction with this state of things and on petition, all was changed by the Quebec Act of 1774, "An Act for making more effectual provision for the government of British North America."

The 8th clause provided that "His Majesty's Canadian subjects within the Province of Quebec, the religious orders and communities only excepted, may hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample and beneficial a manner as if the proclamation, commissions, ordinances, and other Acts and instruments had never been made, and as may consist with their allegiance to His Majesty and subject to the Crown and Parliament of Great Britain, and in all matters cf controversy relative to property and civil rights resort shall be had to the laws of Canada as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the Courts of Justice to be appointed for and within the said Province by His Majesty, his heirs and successors shall, with respect to such privileges and rights, be determined agreeably to the said laws and customs of Canada until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said Province by the Governor, Lieutenant Governor, or Commander-in-Chief for the time being, by and with the advice and consent of the Legislative Council of the same to be appointed in manner hereinafter mentioned."

By enacting that "in all matters of controversy and civil

rights resort shall be had to the laws of Canada as the rule for the decision of the same," the Old Canada or French law was restored, and all His Majesty's subjects, French and English in the Colonies were in civil matters placed under laws totally foreign to British immigrants and those of the old British settlers who had been accustomed to British law.

His Majesty's speech to Parliament gives the reason for passing the Act. He says:

"The very peculiar circumstances of embarrassment in which the Province of Quebec is involved had rendered the proper adjustment and regulation of the Government thereof a matter of no small difficulty. The Bill which you prepared for that purpose and to which I have given my assent, is founded on the clearest principles of justice and humanity and will, I doubt not, have the best effect in quieting the minds and promoting the happiness of my Canadian subjects. I have seen with concern a dangerous spirit of resistance to my Government and the execution of the laws in the Province of Massachusetts Bay in New England."

The Act of 1774 enlarged the boundaries of the Province of Quebec south of the Ohio and westward to the Mississippi, thus taking into the Province of Quebec a territory and people of one of the British North America Colonies to the south of the Great Lakes and which afterwards, by the treaty of Versailles in 1783 recognizing the independence of the thirteen American Colonies, became part of one of the free and independent United States of America, and a population of some 20,000 who had come thither from other States. Now came the turn for discontent on the part of the British subjects. The discontented Colonies of the New England Provinces, themselves bent on rebellion, were not slow to urge the people of Canada to join them in their intended resistance to Imperial authority. The Congress of the New England States which met at Philadelphia on the 5th of September, 1774, addressed the Colonists in Canada as "friends and fellow citizens," and then endeavored to impress them with the advantage of their confederation and the following year sought to force them by conquest under General Montgomery. During the American Revolutionary War, beginning with the affair of Lexington and ending in the treaty of 1783, the law was administered in Quebec under the Act of 1774—the French law—and was most distasteful to the British residents.

At the time of the passing of the Quebec Act of 1774, by which the boundaries were extended as already stated, so as to include the inhabitants of the Ohio Valley, there were as many as 20,000 people in that region who had emigrated thitherward from other States. These people had enjoyed the benefits of British Law as administered in the colonial courts. They were

not then disposed to accept in their place the "Coutume de Paris," or any other system of French law in place of the law to which they had been accustomed. Thus a very large auxiliary force was added to the small number of Anglo-Canadian subjects settled in the Districts of Montreal and Quebec, to aid in protesting against the Quebec law.

In 1784, following the Treaty of Peace between the United States and Great Britain, a large number of subjects of the King in the now enfranchised colonies south of the St. Lawrence and the Great Lakes who preferred Monarchial to Republican Government, and came to Canada, settled on the banks of the St. Lawrence. These emigrants into Canada, called the United Empire Loyalists, on their arrival in Canada soon found that the situation was not much improved if they were to be relegated to the old, and, in their view, antiquated laws of France. They left the United States especially to place themselves under British law, and this they determined to have. In this particular they only held to the same opinion as had influenced the people of the Ohio Valley when they, between 1774 and 1783, made their protest against being governed by French law.

In 1788 Lord Dorchester, acting for the King, styling His Majesty King of Great Britain, France and Ireland, issued a proclamation reciting the ordinances of the Province, dividing the Province into two districts and proclaimed that thereafter the Province should be divided into five Provinces, viz., Lunenburgh, Mecklenburgh, Nassau, Hesse and Gaspe. By Provincial Act of Upper Canada, passed in 1792, the four districts with those Provinces, viz., Lunenburgh, Mecklenburgh, Nassau and Hesse were re-named in the order of these names: Eastern, Midland, Home and Western Districts. The boundary of Lunenburgh shows that there was another River Thames, now known as the River Gananoque.

The period between 1774 and 1791 has generally been termed "The Legislative Council" period. This arose from the fact that by the Quebec Act a Legislative Council, who were appointees of the Crown, governed in the Province. In 1777 an ordinance was passed by this Legislative Body dividing the Province into two districts and establishing two courts, a Court of Queen's Bench and a Court of Common Pleas for each district. These two districts corresponded to what became the Provinces of Upper and Lower Canada, with a greater western extension of Upper Canada, viz., to the Ohio River on the south and the Mississippi on the west. The condition of affairs under this Act of 1774 was very unsatisfactory, alike to French and English, and perplexing to the Government at home. Upon the advice of Mr. Pitt the Government decided to divide the Province into two Provinces so that

each could have the laws most agreeable to the majority of the people of the respective Provinces.

Our Constitutional Act of 31st, George III., chap. 31, was passed which replaced the Legislative clauses of the Act of 1774 and divided the Province into two Provinces, one of Upper Canada (now Ontario) and the other Lower Canada (now Quebec) and went into operation 25th December, 1791.

The Legislature of Upper Canada at its first session held at Niagara on the 17th of September, 1792, enacted that the laws of England instead of the laws of Canada were to govern in matters of property and civil rights in Upper Canada.

The United Empire Loyalists had much to do in bringing about this state of things and the English law in the Province, in which they had come to settle on being expatriated from the States. These settlers in the Province were imbued with very strong ideas on the subject of Monarchial Government and British laws. The French in the Province of Quebec retain the laws guaranteed to them by the Act of 1774, and there can be no doubt that the Act of 1774 was passed after diligent inquiry as to its propriety, and this is only in harmony with England's beneficent policy in other portions of her vast Empire."

The Act of 1791, dividing the Province, enabled the French to mould their laws to their liking.

CHAPTER VI.

USURPATION—THE ISLANDS AND INDIANS.

CHIEF JUSTICE CAMPBELL speaks of the period between the Treaty of Versailles, 1783 and 1796, as one of "wrongful and arbitrary usurpation" on England's part. We must make allowance for his view, and, thank God, I can look upon the separation of the colonies without bitterness. I trust I duly appreciate the noble efforts that are being made within the great Republic for a high and Christian civilization and have no doubt that in God's Providence they will attain unto it. But the honored Chief Justice's statement is too strong in the eye of the Canadian loyalist. The terms of the treaty were not observed and hence the retention.

Kingsford says: "After the conclusion of the Treaty of Peace an attempt was made by Congress in 1783 to obtain possession of the western posts ceded to the United States. Washington made a demand upon Haldimand. The State of New York did so also, and other demands were made, but the transfer was withheld on the ground that Haldimand had no order to give them up and the reason was in no way concealed, viz., the failure of the United States to carry out the 5th and 6th clauses of the treaty by which Congress had engaged to obtain restitution of the property of British subjects which had been confiscated and that there should be no further confiscations or persecutions by reason of the part taken in the war.

Dr. Ryerson says: "Dr. Franklin, the most experienced and ablest of the American diplomatists, was the most crafty and overbearing against England.

"At the beginning of the negotiations for peace he demurely proposed, and half converted Mr. Oswald to his proposition to concede Canada (which at that time meant all British North America) to the United States, though his commission related simply to the independency of the thirteen colonies; and when the British Cabinet vetoed this extra-official and extravagant proposition, Dr. Franklin and his colleagues over-reached the ignorance and weakness of the British diplomatists by carefully prepared maps for the purpose of marking the boundary lines between the proposed possessions of Great Britain and the United States on their

northern and north-western frontiers. These lines were so ingeniously drawn as to take from Great Britain and include in the United States the immense and valuable territories, back settlements and the whole country between the Alleghany Mountains and the Mississippi, and which have since become the States of Ohio, Indiana, Illinois, Iowa, Wisconsin, Missouri, Michigan, and Minnesota, etc.—to not one foot of which the thirteen American Colonies had the slightest claim—territories ample to compensate Loyalists for their losses and banishments, but whose interest with those most valuable possessions were lost to Great Britain by the subserviency of the British Commissioner Oswald (a London and American merchant) who looked to his own interests, and was the subservient tool and echo of Dr. Franklin. The above territories were a part of the domain of Congress, irrespective of any State, and therefore at the absolute disposal of Congress. Yet with these immense accessions of resources, the American Commissioners professed that the Congress had no power or means to compensate the United Empire Loyalists for the confiscation and destruction of their property. One knows not at which most to marvel. The boldness, skill and success of the American Commissioners, or the cowardice, ignorance and recklessness of the American diplomatists."

Professor Goldwin Smith says: "Civil war, as well as international war, there will sometimes be, but it ought always to be closed by amnesty.

"For amnesty Cromwell declared on the morrow of Worcester. Amnesty followed the second civil war in America. The first civil war was not followed by amnesty, but by an outpouring of the vengeance of the victors upon the fallen.

"Some Loyalists were put to death. Many others were despoiled of all they had and driven from the country. Several thousands left New York when it was evacuated by the King's troops (November, 1783). Those who remained underwent violent persecution. The several states banished, confiscated, proscribed persons and estates.

"Of fifty-nine persons attainted by New York three were married women, guilty probably of nothing more but adhering to their husbands and members of the council, or law officers who were bound in personal honor to be faithful to the Crown.

"Upon the evacuation of Charleston, the Loyalists were imprisoned, whipped, tarred and feathered, dragged through horse ponds and carried about the town with "Tory" on their breasts. All of them were turned out of their houses and plundered, twenty-four of them were hanged upon a gallows facing the quay in sight of the British fleet with the army and refugees on board. 'However, we will say with Mr. Sabine to those who

protested; to General Greene, who said that it would be the excess of intolerance to prosecute opinions which twenty years before had been the universal belief of every class of society; to Alexander Hamilton, who nobly stood up against the torrent of hatred as the advocate of its victims in New York; John Jay, who said he had no desire to conceal the opinion that to involve the Tories in indescriminate punishment and ruin would be an instance of unnecessary rigour and unmanly revenge without a parallel, except in the annals of religious rage in the time of bigotry and blindness.' By right-minded men the violence of the separation must ever be deplored. The least part of the evil was the material havoc. Of this the larger share fell as usual upon the country which was the scene of the war. England came out at last with her glory little tarnished. She had yielded not to America, but to America, France, Spain and Holland. While she was losing nominal empire in America, illustrious adventurers had enlarged her real empire in Hindostan.

"The Colonists by their emancipation won commercial as well as fiscal freedom, and the still more precious freedom of development: political, social and spiritual. But their liberty was baptized in civil blood, it was cradled in confiscation and massacre, its natal hour was the hour for exile of thousands of worthy citizens whose conservatism, though its ascendency was not desirable, might as all true Liberals will allow, have usefully leavened the Republican mass. A fallacious ideal of political character was set up, Patriotism was identified with rebellion, and the young Republic received a revolutionary bias of the opposite of which she stood in need.

"*The sequel of the Boston Tea Party was the firing on Fort Sumpter.*"

These are some of the reasons why England held back, for the territory was in truth that of the Indians and they looked to England to maintain their rights.

And the wrong was never righted. My grandfather lost 7000 acres of his properties that were granted to and bought by him and it is a tradition in our family that the City of Plattsburg to-day stands on a portion of his estate, forfeited and sold without compensation.

CAPITAL PUNISHMENT.

Let us call attention to another of the Chief Justice's remarks when referring to the hanging of a party by Judge Dejean, "the honor (or dishonor) of that judicial exploit belongs to Judge Dejean," although there were perhaps some court-martial convictions. Were the worthy Chief Justice with us now he would hardly be found among the opponents of capital punishment for

murder. The efforts made to secure the desired change in the law in the last session of the Legislature of his State, would show him how great a change had taken place in public opinion on this subject. It is said upon good authority that during 1894 there were 9,800 murders in the United States. During the same year thirty in Canada. The population of the States is 14 times larger than that of Canada, and in proportion to population there should have been fourteen times as many murders there; instead of 420 murders, however, 9,800 took place there, that is there were twenty-three times as many murders in the United States in 1894, in proportion to population, as in Canada. Life is therefor twenty-three times as secure against murder north of the international line as south of it. We have only three offences involving the death penalty, viz., treason, murder and rape, but the latter is seldom the subject of the extreme penalty.

The Detroit Tribune of the 24th of April, 1895, says: "The Dominion of Canada, with a population of nearly 5,000,000 people scattered from Newfoundland to the wild frontier of the unexplored Northwest Territories, has had less than five murders for each 100,000 of her population during the past ten years. Michigan, with about 2,000,000 inhabitants, nearly every one within gunshot of a school house and a church, has had over twenty-three murders for each 100,000 of her population during the same period.

In ten years Canada has tried 223 people for the crime of murder. Michigan, with less than one-half the population, has tried 484 people for the crime during the same period.

Canada in ten years has hanged forty-nine people for murder. Michigan has hanged none.

Under the Michigan system of punishing murder the state has during ten years, at great expense to herself preserved the worthless lives of 122 convicted murderers. As an offset the state has mourned the untimely end of over 300 more victims of the crime than would have been murdered if the Canadian ratio of less than five to 100,000 population during the period had prevailed in Michigan."

THE ISLANDS OF THE DETROIT RIVER.

The Chief Justice refers to the grant of the islands. It is interesting to know that the grant of Belle Isle, or Isle Aux Cauchons, Hog Island, as it was then, and down to 1845, called, to Mr. McDougall who was a British officer, was after he had bought the Indian title to it, for which he had paid about $400 in rum and tobacco. Then we read that the large, fine island of Grosse Island was on 5th July, 1793, granted by Governor Simcoe Mr. William Macomb, who was one of the two first members

elected to the Upper Canada Parliament for this County. He had previously been allowed by Lieutenant Governor Hamilton to occupy it. Mr. Macomb changed his allegiance and remained on his island home, and I knew his widow and her family intimately, and a grand-daughter of his to-day is the wife of the first Commoner in Ontario, the Hon. W. D. Balfour, Speaker of the Ontario Legislature, who represents the South Riding of Essex, and from her home this lady can at all times look out upon the beautiful island, and with a pardonable pride recall it as a royal gift to her ancestor. And it is a remarkable circumstance that while our Government thought of making Bois Blanc Island the seat of the courts and a military station, the Americans thought of doing the same with Grosse Isle. Bois Blanc, which we see referred to in connection with the courts, belonged to the Hurons, and was occupied by them in 1774, was intended as a military post, but on the remonstrance of the American Government this was changed, and the fort built at Amherstburg, which was laid out in 1796. The Hurons and their Mission, with Fathers Hubert and Pothier, removed to Sandwich and had their church in the Parish Church at Assomtion. This island it will be remembered was sold by our Government to the late Col. Rankin, and is now the property of some Americans.

Peach Island (or Isle aux Peches) used to be prominent in those early days as the summer home of the great chief and conspirator, Pontiac, and has been sold, like Bois Blanc, to Mr. Hiram Walker, whose fine summer residence adds so much to its beauty. Governments to-day are much what they were in the latter part of the last century in selling and giving away lands to M. P.'s and M. P. P.'s and other favorites.

I confess that if the sale of Bois Blanc to a private individual could be justified it was in that instance, for the Colonel's wife was the grand-daughter of Colonel Thomas McKee, who occupied so prominent a position in the history of the County at the close of the past, and beginning of the present, century. He was the Deputy Superintendent and Deputy Inspector General of Indian Affairs, and from his relation to, and influence with, the Indians, was equal to bringing about any agreement between the Crown and the Indians, as was his father, Colonel Alexander McKee, also Deputy Superintendent and Deputy Inspector General of Indian Affairs, whom Simcoe wanted to have made an Executive Councillor for Upper Canada, and constituted the president of a superintending committee, controlling the policy to be observed towards the Indians, reporting through Simcoe to Dorchester. . . . . Dorchester, embarrassed by the absence in England of the Superintendent General, Sir John Johnson, in December, 1794, appointed McKee Superintendent General, and requested his

attendance at Quebec. The former was also member for Essex and Kent. The McKees, Babys, Askins and Elliotts stand out prominently in those days of trial and conflict, and there is no more striking instance of loyalty and devotion to a sovereign than was shown by Judge Jacques Duperon Baby, who, although himself a Frenchman, was the faithful ally of England in her struggle at Detroit with both French and Indians, and especially during the critical period of Pontiac's conspiracy, during which he supplied the garrison with cattle, hogs and supplies from his farm on the opposite side by night, by way of avoiding the Indians. Of this conspiracy, by which Detroit, then held by Col. Gladwin, of the 60th Regiment, was nearly captured, and the massacre in July, 1763, of Captain Dalzell and a large number of his detatchment of 250 men, at Bloody Run, I must refer the reader to the pages of Parkman, and the interesting story of "Wacousta" by Major Richardson. The spot is indicated by a tablet in a tree on the right side of Jefferson Avenue, about a mile above Woodward. Major Richardson was the eldest son of Dr. Richardson, of Amherstburg, one of the District Judges in our District, and brother of the late Mr. Johnstone Richardson of Windsor, brother-in-law of our Sheriff. I am glad to see the union of two of these grand families in the persons of my friend, Mr. W. J. McKee, M. P. P., and his charming wife, the eldest daughter of the late Mr. Charles Baby. May they long be spared to enjoy the memories and traditions of an ancestry so loved and honored. And my friend, Mr. William L. Baby, of Her Majesty's Customs at Windsor, the last surviving son of the late the Hon. James Baby, is still active in the discharge of his duties upon the scene of his noble grandfather's fidelity and patriotism, and may he yet be long spared with his historic pen to relate the earlier history of the country, as he has done so well in the past.

Mr. Thomas McKee, too, who has so long filled the office of County Clerk to the County of Essex and its associate counties, is the grand-son of the Indian Superintendent and father of the M. P. P. The honored name of Askin is represented in the Registrar of Essex, Mr. J Wallace Askin, the present Registrar, and Mr. Alexander Askin, of "Strabane," the name of the family seat of the grandfather, John Askin, both in Canada and Ireland.

And I am glad to record the further union of the Baby and Askin families by the marriage of the Registrar to Mr. Baby's second daughter, who with her six daughters, make a lovely addition to any circle in which they may be met, and let me add, with pride, that the Registrar in his honorable and lucrative office is the successor of his father, and of his late grandfather, Colonel James Askin, in the office which they have held by separate appointments for 64 years.

Colonel Matthew Elliot came to Amherstburg in the memorable year of 1784 from Virginia, when so many other United Empire Loyalists did, and took up his home on the beautiful spot known as "Elliot's Point," opposite Bois Blanc Island, and was prominent as Indian Superintendent. Col. Elliott is to-day represented at the old homestead by his grandson, Frederick Elliot, Esq., and his grandson, Master Frank Elliot of our town, only son of the late Rev. Francis Gore Elliot, and the grandson of Sheriff Mercer. It is said of the Colonel that he saved General Proctor's life at Moraviantown by throwing up the rifle of Tecumseh, who, exasperated by Proctor's contemplated retreat before the battle was fairly lost, accused him of treachery and would have killed him on the spot but for the protection then offered.

INDIANS.

Referring to the Indians calls for some reflections upon the great prominence of the tribes in the long-protracted contests between France and England, and the latter and her own Colonists in the war of 1812. They were a power and ever-present element in every negotiation or operation.

On the conclusion of the Treaty of 1763 the Indians were informed that the determination had been come to by the Imperial Government to permit no grants of land within the fixed bounds of the Indian territory, under purchase or any pretext whatever, and that a proclamation would be issued to this effect.

The Imperial policy protecting the Indians was extremely unpopular in the British Provinces. The Albany politicians contended that the management of the Indian lands should rest with the Province, with agents dispersed throughout the country. The proclamation following the treaty and dated the 7th of October, 1763, says:

"We do therefore declare it to be our royal will and pleasure that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida or West Florida do presume upon any pretence whatever, to grant warrants of survey, to pass any patents for lands beyond the bounds of their respective Governments as described in their commissions; as also that no Governor or Commander in Chief of our other colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrants of surveys or pass any patents for land beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or northwest; or upon any lands whatever, which not having been ceded to, or purchased by us, aforesaid, are reserved to the said Indians, or any of them."

Kingsford says: It is a proof of the wisdom and justice of these provisions that the principle then laid down has always been acted upon in the Queen's dominions. In the Northwest it is now enforced. It is from this just and righteous provision that tumult and turmoil have been avoided since the conquest. It was from the first denounced by the old British Provinces, and no little aided to that unfriendly feeling towards the troops that led them to refuse even shelter and assistance to them when engaged in fighting their battles.

With Governor Simcoe they were always among the most important problems with which he had to deal and his military instincts and great administrative capacity led him to view all the pros and cons of their relation to the Province; and how skilfully he did it, is attested by the happy relation in which they have always stood to their sovereign. Joseph Brant, or "Thayendanegea," the great Iroquois chief and head of the Six Nations was a man of great influence and capacity whose loyalty and devotion to the Crown are everywhere acknowledged. The people of Brant have so testified by the names of their city and county, their monument and other evidences of regard, and we know that when in England, he was received with all honor, and that two tablets of the commandments and the royal arms for his church were given to him, making it, in fact, a chapel royal and where royalty itself in the persons of Her Majesty's sons, the Prince of Wales and Duke of Connaught; and her representatives in the Governors of Upper Canada and Canada, Simcoe, Sir John Colborne, Sir Isaac Brock and Sir Geo. Murray, and Lord and Lady Dufferin, etc., was often seen.

And what a beautiful and interesting locality is the reserve and the Indian Mission Church there founded by the great chief as early as 1784, the first Protestant Church in Upper Canada, and the first church bell that was rung in Canada! Their communion service of solid silver and the bible, presented by Queen Anne to them while still in their native valley of the Mohawk in 1712, are still preserved and used by them. I first visited the Mission in 1836, then under the incumbency of the Rev. Abraham Nelles, afterwards, Archdeacon, who continued to officiate there for 56 years, and which is still, as then, under the patronage of the New England Society, as is the Mohawk Institute, for many years and now, under the management of the Rev. Mr. Ashton.

And talking of the Six Nations, with their beautiful names of Tuscaroras, Oneidas, Senecas, Mohawks, Cayugas and Onandagas, of whom my relative, Col. Gilkison, was for many years superintendant at Brantford, I must recall the Hurons or Wyandotts of the Detroit River, with their large reserve at Sandwich and their further one at Anderton, where, among others, the ven-

erable Split Log, so well known in the war of 1812–15 as one of England's most faithful allies, used to live and did up to 1837, when, with others of the tribe, he removed to his own tribe in the Western States.

Often was he a guest at our house with his friend and interpreter, George Martin, and often have I seen them at dinner on their way to, or return from, Detroit.

We first read of the tribe on the Lower St. Lawrence in the region of Montreal, and learn the tradition of their seeing the ships of Jacques Cartier coming up and their being reported as great dark animals with broad white wings—spitting out fire and uttering the voice of thunder—the gallant explorer's cannon belching forth, as it proved, from his vessels. Those on the Detroit River were Christians professing the Roman faith.

Our friend, Mr. Solomon White, of Windsor, Barrister and ex-M. P. P., is now a Chief of this interesting tribe.

The popular impression of the Indians is that they were chiefly nomadic, or living by hunting or fishing, but Chief Justice Campbell says: "History shows that for a couple of centuries after the first settlement in Canada, the Indian tribes were in several instances the only farmers in the country, and supplied the whites. In Michigan, Ohio and Indiana their villages were great, and their lands laid out and were well tilled."

Our own Indians of the Moraviantown reservation and Walpole Island are good illustrations of what kind and Christian treatment has accomplished.

The former came to us in 1792 and were able in February, 1793, on Governor Simcoe's visit to the fort at Detroit, to entertain him and his suite, which consisted of Captain Fitzgerald, Lieutenant Smith of the 5th Regiment, afterwards our member, Lieutenants Talbot, afterwards Colonel Talbot, formerly of the Queen's Rangers, so well known by the great highway and settlement bearing his name through Kent and the adjoining counties, Gray, Givins, and Major Lettlehales in sleighs, both going and coming. This noble body of Christian Delaware Indians had reached their Canaan after journeying through the wilderness between the Ohio and the Thames for ten years. The first year they passed at a point where Mount Clemens now is, 1783-4 they lost their corn crop and the winter was one of the severest on record. The ice on Lake St. Clair was three feet two inches thick and the snow five feet deep, which interfered with hunting and the ice with fishing. But they succeeded in getting a large quantity of venison from a herd that strayed into the neighborhood, and with the surplus bought corn, and their residence there led to the making of the first inland road out of Detroit, which was made by Mr. John Askin and Major Arcum. The Mission repre-

sents the historic church of Moravia (for the Indians are not so called from any tribe of that name) and Bohemia, founded in 1457, nearly three-quarters of a century before Luther's Reformation. It is now in charge of the Rev. A. Hartman and numbers about 300 souls. The Walpole Mission, under the charge of the Rev. Mr. Jacobs, numbers some 800, 550 of whom are members of the Church of England, while others are Methodists.

CHAPTER VII.

OUR CONSTITUTIONAL ACT, 1791-2.—UPPER CANADA.—YORK.

"NOW is the winter of our discontent made glorious summer by this sun of York."

Here we are in the light of our Constitutional Act of 1791, dividing the Province of Quebec into Upper and Lower Canada and giving to both the benefits of representative Government.

The fact that we have been reviewing at some length has been somewhat misty, alike from a judicial, municipal or constitutional view; but we are now within the clear light of a popular and representative government and the laws of England. Here we have seen an Empire won. There we have seen an Empire lost. We have seen how the winning of the one tended to the loss of the other. What a struggle was that great colonial duel between England and France for North America, and with what hopes, disappointments, losses, sorrows, fears, and stupendous results it was attended. If the thirteen colonies had not been relieved from the terror of French power and their possible conquest by France, they, in all probability, would not have revolted. Again, if England had not conquered at Quebec, France might have overpowered these colonies and reversed the order of events, making Puritan New England and her sister colonies, to accept alike French rule and Rome's faith or be a second Acadia. Great is our triumph in having gained and retained Canada. And we must remember that while we lost the United States we gained the great Empire of India.

Under the French governors, from Champlain (1608) down to the capitulation, was 160 years, the period of French rule, or, as Dr. Bourinot says, of "absolute government."

From the capitulation to the Treaty of 1763, and a year and more after, military rule, or, as Mr. Kingsford would say, "the period of governors' courts," or, as Dr. Bourinot says, "a new era of political liberty in the history of French Canada," lasting four years.

Thence to the Act of 1774, with nominally French and English law, by a military governor assisted by a council, ten years; thence, under the Quebec Act, which took effect in May,

1775 to 1792, seventeen years, known as the "Legislative Council" period.

The Act of 1791 passed the Imperial Parliament on the 14th of March, 1791, and our first Governor under it was Lieutenant Colonel John Graves Simcoe, a distinguished soldier of the American Revolution, who reached Quebec in October of that year, where he was detained for several months, only leaving it in June, 1792, and reaching Kingston in July, when he organized his Government.

Kingsford says: "Certain appointments had been made in England to constitute the Legislative Council and four members had been nominated, Chief Justice Osgoode, and Messrs. Robertson, Grant and Russell. Only one, however, of them was present in Canada, Alexander Grant, spoken of as Commodore Grant.

The consequence was that there was not a majority of the Cnuncil present at Quebec. Chief Justice Smith pointed out that so soon as General Alured Clarke's proclamation was issued for the division of the Province, Clarke himself, as Lieutenant Governor of Lower Canada, would have no powers in the civil government of the other Province, and that his duties in that respect would be confined to his own Government and as the officer in chief command.

As there was no majority of the Council present to administer the oaths, Simcoe could not be sworn in, and hence could not legally act. No power had been given to him as Lieutenant Governor to appoint *ex officio* any Legislative Councillors. Simcoe accordingly brought the matter to the attention of the Home Government, and recommended that James Baby, of Detroit, should be so named, and that authority be given to supply the other two required by the Act, which enforced that the number should not be less than seven.

Subsequently, 20th January, 1792, John Munro, of Matilda, was appointed, and in August following Richard Cartwright, Robert Hamilton and Richard Duncan were added; the list signed by Provincial Secretary Littlehales, dated August 24th, 1792, summoning to the Council the several members, included these new names.

The Legislative Council was assembled to its full number —nine—the new members being Mr. Munro, of Matilda; Mr. Duncan, of Rapid Plot; Mr. Baby, of Detroit; Mr. Richard Cartwright, junior, of Kingston, and Mr. Hamilton, of Niagara. Simcoe remained here during July, and meetings of the council were held from the 8th to the 21st. He himself took the oath as governor on the 8th. Osgood Russell and Baby were sworn in as executive councillors on the following day, Grant on the 11th.

A proclamation which continued the judges and civil officers in their official duties was issued.

Commodore Grant was my grandfather and lived on his estate ten miles above Detroit, at Grosse Pointe,* and Mr. Baby was the Hon. James Baby, eldest son of Judge Jacques Duperon Baby and father of my former partner the late Mr. Charles Baby, Clerk of the Peace, Sandwich, and Mr. Wm. L. Baby, of Windsor, already referred to, then living on the Detroit River, both sides of which were then spoken of as "Detroit."

On 10th July the militia returns were laid before the council, and, in accordance with them, the province was divided into counties and districts to admit of the distribution of the members, sixteen in number, a duty which occupied the council from the 10th to the 15th. On the 16th the proclamation was issued for holding the elections and the meeting of the Legislature; the first Parliament being called to assemble at Niagara on the ensuing 17th September, 1792

The Governor reached Newark in August. The house met on the appointed day, the sixteen members were as follows: John Macdonell, who was elected speaker; Jean B. Baby; Alexander Campbell; Philip Dorland, who, being a Quaker, would not be sworn in and did not take his seat; Peter, Van Alstine elected in Mr. Dorland's place; Jeremiah French; Ephraim Jones; William Macomb; Hugh Macdonell; Benjamin Rawling; Nathaniel Pettit; David William Smith; Hazelton Spencer; Isaac Swayzy; —— Young; John White, Mr. White being the first Attorney General of Upper Canada, making, with the Executive and Legislative Councillors, the *Patres Patrae* of our noble Province. (The Centennial of the organization of the Government of Upper Canada was held at Niagara on the 17th of July, 1892. I was present and His Honor, Lieutenant Governor Kirkpatrick, took occasion to say how near we were brought to it, as there was present the grandson of the third member of Simcoe's Government.)

The Session lasted to the 15th October and passed eight Acts. The most important abrogated the ancient laws of Canada. No existing right or contract was to be affected by the change; in all

*The Commodore was the fourth son of the seventh laird of Grant of Glenmoriston, Inverness, Scotland. In 1757 he came to Canada with General Amherst, as an officer in a line regiment; but the General finding it necessary to have a naval force on Lakes Champlain, George, etc., called for officers who had been in the navy, and, as Grant was one of these, he received command of a sloop of sixteen guns. Later he was in command from Chippewa to Mackinaw, with headquarters in Detroit, where he married in 1774, and so continued till his death in 1813—leaving ten daughters and one son, the latter dying unmarried, and the daughters being represented throughout Canada by the Dicksons, Duffs, Wrights, Nicols, McMickens, Millers, Jacobs, Richardsons and Woods'. For fifty-seven years he was in the service of his sovereign. Mr. Baby's father beat the Commodore, as he left twenty children.

future controversy resort should be had to the laws of England. The forms of law and equity were to be regulated by the British rulers of evidence; the law not to interfere with the provisions affecting ecclesiastical rights within the Province or the maintenance of the poor. Trial by jury was established. A law was passed for the recovery of small debts. Millers were restricted to one-twelfth for milling and bolting, and provision was made for building a gaol or court house in each of the four districts, Eastern or Johnstone; Middle or Kingston; Home or Niagara; Western or Detroit.

The proposal to meet revenue by a tax of six pence a gallon on wine and spirits was carried in the Lower House, but thrown out by the Council; this event caused some disagreement between them, which, however, in no long time subsided. The introduction of the county tax on land was rejected, the plea being that it would discourage emigration. One serious question of the day was the Marriage Bill. A measure had been introduced into the Council to make all irregular marriages valid. It was withdrawn on an agreement being entered into that an act should be prepared in the recess and submitted to England in order that legislation might effect the object aimed at.

The difficulty had come into prominence since the foundation of Upper Canada in 1784. In the old Province of Quebec the Protestants had been few in number, and confined to the cities or to localities were clergy were present; and there had been no cause.

It is to be remembered that at this date, by English law no marriage was legal unless performed by a Church of England minister; consequently the children by other marriages were by law illegitimate. In many cases, in the neighborhood of the forts, no clergyman was present, the service had been read by the commanding officer, or by an officer appointed by him. In other parts of the country at the time of the first settlement, the justice of the peace had performed the ceremony. Many districts were imperfectly provided with clergymen and in these cases laymen had officiated. A strong feeling had grown up, whatever the moral character of the relationship, that the children from these marriages had no legal right to the inheritance of the property of their sires. This was remedied in the next session, by 33 Geo. III, c. 1, making such marriages valid and providing for future ones. By the 33 Geo. III, c. 4, Presbyterian, Lutheran and Calvanist ministers were authorized to celebrate marriage between certain persons, provided they were not under any legal disqualification; but they did not include Methodists, nor did they see that the Methodists, before the century was out, would number thirty millions. And, as late as 1804, my own parents

were married at Sandwich, before Judge Selby, and there are not less than eight subscribing witnesses to the marriage certificate, a copy of which I have before me.

The establishment of an official journal took place a few months after prorogation. "The Upper Canada Gazette or American Oracle" appeared on the 13th April, 1793, and was published at Niagara, until 1798. The printer was Louis Roy, who accompanied Simcoe from Quebec on 5th November, 1792. Simcoe sent a requisition for what was required for the printing office of Upper Canada, a proof of the establishment of the printing press as coeval with Constitutional Government. Strange to say, our friend Sheriff Mercer has a copy of the first number of this interesting paper to which I shall refer later on.

The *second* session was held 31st May, 1793, and passed eleven Acts.

In this session the abolition of slavery in Upper Canada took place. There were both Indian and negro slaves, the former being known as Panis, or captives from the Pawnee nation, and I can remember that one of the freed slaves of my grandfather's household used to come from Detroit and visit my mother, down into the thirties, and this reminds me of what both Kent and Essex have done in behalf of the fugitives from slavery in the adjoining States. The Rev. Wm. King and the Elgin Association, with the attendant blessings of his labors in this County, and the efforts of my own father, who set apart 1000 acres of land in Essex to provide homes for these refuge slaves, some of whose descendants are still to be found in Essex.

JOHN BROWN AND HIS FOLLOWERS.

The immortal John Brown, too, found in our town among the large body of respectable colored people then here, and in the Buxton Settlement, an inspiration and sympathy that led him to his Quixotic or prophetic action at Harper's Ferry in 1859, and we have been honored by the visits of that noble and eloquent slave, Frederick Douglass, and I recall not only the pleasure I had in hearing him in his glowing addresses before the great war, but also in entertaining him at my own house. And Kent and Chatham enjoyed the residence and influence for a considerable period of the late John Scoble, M. P., and his accomplished family, who was the friend and co-worker of Wilberforce, Sir Fowle Buxton, and Clarkson, and Secretary to the Abolition Society of England; and there was the Dresden colony, with the shrewd old father Henson at its head, the reputed prototype of Uncle Tom in Mrs. Beecher's celebrated book; and I myself have the honor to be called after my god-father, Captain Charles Stuart, of the East

India Company's Service, one of the most active of England's distinguished band of workers for freedom of the slave.

THE MARRIAGE ACT.

As before said, the Marriage Act was passed which, among other things, provided that when the contracting parties were 18 miles from a clergyman, the ceremony could be performed by a Justice of the Peace, the form of the Church of England being followed; a Road Act and also an Act for payment of Members of Parliament. And in the *third* session, among other Acts, was one establishing the Courts of Queen's Bench and Appeal.

CHAPTER VIII.

OUR JUDGES AND COURTS.

OUR first Chief Justice was William Osgoode, an equity draftsman, of Lincoln's Inn, but esteemed well versed in English law, which had superseded the French law, and the choice was a good one, and after him was named the seat of the law courts at Toronto. The first mention of him in his judicial capacity is on the 23rd of August, 1792, when he presided in the Court of Oyer and Terminer and General Gaol Delivery held in the Town of Kingston in the District of Mecklenburgh. His associates on that occasion were Richard Cartwright and Hector McLeod, Esquires, Justices of the Common Pleas of the district. Read says: "There were twenty-four grand jurors sworn in; petit jurors, tip staffs and all the incidenta and impedimenta of the English courts of that day. He only continued Chief Justice till December, 1793, a year and three months or so and then became Chief Justice of Lower Canada upon the death of Chief Justice Smith, of Quebec. It is to Chief Justice Osgoode we owe it that no slaves were allowed in Lower Canada, although, unlike Upper Canada, there was no Legislative prohibition. On a case presenting itself the Chief Justice declared that British law did not recognize slavery—following the precedent in the case of the slave Somerset in England by Lord Mansfield in 1772 And our Act against slavery was the result of a charge of his to the grand jury in 1792.

He was succeeded by Chief Justice William Dummer Powell, of whom mention has been made as being one of the judges of the Court of Common Pleas appointed under the Quebec Act of 1774, in 1789, as a judge of the Detroit District, or District of Hesse, who came there in 1789 and continued there till he became a puisne judge of the Queen's Bench and continued so till 1812, and in 1815 became Chief Justice and so remained till 1825, when he retired and Sir William Campbell became Chief Justice of Upper Canada.

Niagara or Newark continued to be the seat of Government till 1796, when Governor Simcoe had it removed to York, which was then a forest with but the fort; the Governor spending the winter of 1774-5 there in a canvas tent, which by the way was an

interesting one, as it had belonged to the celebrated Captain Cook, the discoverer of so much of England's domain, who was killed in 1779 in Owhyhee (Hawaii), and he himself saw active service in the capture of Quebec by Wolfe, where also his father was an officer in His Majesty's service. Here His Excellency dispensed a regal hospitality, and, among other distinguished guests, was Edward, Duke of Kent, father of our gracious Queen. And just here, we have the funniest incident in the whole history of that day, and that is the Duke's setting off from the City of Quebec, where he was stationed, to visit Upper Canada with a French *caleche* and French pony, as Mr. Read, in his Life of Governor Simcoe, tells us he did. Recalling the *caleche* and pony and French driver, as I first saw them in 1846—where they are still found in primeval vigor—and the pleasant drives to Montmorenci, &c., I have greatly enjoyed this first stage of his Royal Highness in his long journey to our fine Province. It may be mentioned in this place that the Governor, on his first visit to Toronto, had determined that the old Indian name of Toronto should be changed to that of York, in honor of the Duke of York. There is no official record of how the name became to be changed. It is sufficient to say that the Governor so ordered and it was done accordingly.

On the 29th August, 1793, the following order was issued from the Governor's headquarters:

"YORK, UPPER CANADA, 26th August, 1793.

"His Excellency the Lieutenant Governor having received information of the success of His Majesty's arms under His Royal Highness, the Duke of York, by which Holland has been saved from the invasion of the French armies, and it appearing that the combined forces have been successful in dislodging their enemies from an entrenched camp supposed to be impregnable, from which the most important consequences may be expected, and in which arduous attempt the Duke of York and His Majesty's troops supported the national glory; it is His Excellency's orders that on raising the union flag, at twelve o'clock to-morrow, a royal salute of twenty-one guns be fired, to be answered by the shipping in the harbor, in respect to His Royal Highness, and in commemoration of the naming of this harbor from his English title, York.

"E B. LITTLEHALES,
"Major of Brigade."

But I cannot let Judge Powell go yet, for he is so closely associated with the exodus from Detroit to Sandwich, of our people and courts, that he is peculiarly the representative of a new era. He was born in Boston, Mass., 1755, sent to England at nine to be educated, and thence to Holland to learn the French

and Dutch languages. He was called to the bar in England in 1779, had resided in Lower Canada, and had rendered valuable aid to the United Empire Loyalists in obtaining our Constitutional Act of 1791. He had been appointed a Commissioner of the Peace of the Province of Quebec in 1789, and in January, 1791, he was appointed Commissioner of Oyer and Terminer and Gaol Delivery for Quebec, and in 1792 to the same office in and for Upper Canada. From an entry found at Osgoode Hall it appears that he held a Court of Common Pleas at L'Assumption on the 11th of August, 1791, by adjournment.

On 3rd September, 1792, we have him presiding at His Majesty's Court of Oyer and Terminer at Sandwich, for the District of Hesse, and in October, 1793, we find him presiding Judge of Oyer and Terminer for the Western District, held at the court house of the "Township of Assumption," (this should be the *parish* of L'Assumption) in which the Town of Sandwich is situate. The District of Hesse having been in the meantime changed to the Western District, 15th October, 1792.

At this second court held in Upper Canada, he has as associates on the Bench, the Hon. James Baby and the Hon. Alexander Grant, the two gentlemen whom we recognize as members of Governor Simcoe's first Executive and Legislative Councils, and both of whom we see before the month is out, viz., on the 17th of September, taking their seats in the first Session of the first Parliament as Legislative Councillors, and whom later we shall see as County Lieutenants, the Commodore for Essex and Mr. Baby for Kent.

At this court a prisoner was tried and convicted of manslaughter, the sentence of the court as expressed in the record, is "to be burned in the hand, and accordingly put in execution, before the court."

Chief Justice Sir William Campbell was the grandfather of our worthy friend and official, William A Campbell, Deputy Clerk of the Crown, and Clerk of the County and Surrogate Courts, with his fine offices in Harrison Hall. The Chief Justice retired in 1829 and was then knighted, and succeeded in the Chief Justiceship by the late Sir John Beverley Robinson. Sir William died in 1834 at Toronto, and his funeral was one of unusual impressiveness. The Legislature was in session at the time and attended in a body, with the Bar and the Judges.

SIR JOHN BEVERLEY ROBINSON.

My first recollections of the judges and court room take me back to when the judge walked in his robes and cocked hat from the hotel to the court house, headed by the constabulary with their staves, accompanied by the Sheriff and Grand Jury; when

the reading in due form, by the Clerk of Assize, one of whom was Mr. Wm. Campbell, the father of our present Clerk, of the several imposing commissions of the judges took place, 1st, of Assize and Nisi Prius; 2nd, of Oyer and Terminer; 3rd, of General Gaol Delivery. These commissions recounted the names of the Judges and the associate Justices of the Peace, which I remember quite distinctly. The Hon. John Beverley Robinson, Chief Justice; the Hon. Levius Peter Sherwood, and the Hon. James Buchanan Macaulay as puisne Judges. This would be as early as 1830. I began my practice in 1843 before the Chief Justice and the Hon. Justices Macaulay, McLean, Jones and Hagerman. What noble men! All sons of United Empire Loyalists, and all having been engaged in the defence of their country in its earlier struggles and the war of 1812, as well as in 1837, for I can recall seeing Sir John and Sir James Macaulay under arms at the market in Toronto, the night we "men of Gore"—56 in number—arrived there in the steamer under Col. MacNab, and when our presence saved the city and the Province, for there was not a regular in Upper Canada, Sir Francis having unwisely sent all the troops to Montreal.

I had the honor of knowing Sir John early, as having been acquainted with my father and eldest brother, who were both barristers, he always came to see my good mother, who was then a widow, and from that day to this I have always regarded him as the most perfect man I ever met. Sir Francis Bond Head says of him that "he was the ornament of the North American Colonies," and there is no doubt that he was so, and if he had had the higher sphere of English life in which to exhibit his great talents and attractions of person, manner and eloquence, he would have reached the woolsack and been the Copley (Lord Lydhurst) of Canada.

Byron, in his grand monody on the death of Sheridan, has these two lines and I have always thought they were more appropriate to our noble Chief Justice than to the eloquent and gifted subject of his verse:

> Sighing that nature formed but one such man,
> And broke the die—in moulding Sheridan.

It is interesting to know that while yet a student and twenty-one years of age, he was, on the 19th November, 1812, appointed acting Attorney General and was made Solicitor General three years after, the Solicitor General, D'Arcy Boulton, being then a prisoner of war in France; and in 1817 was again appointed Attorney General, which office he held when appointed Chief Justice in 1829. At the convocation of Benchers in Michaelmas Term, 1815, he (Mr. Robinson) was made a Barrister, Solicitor General and Bencher. Rapid promotion? I ought here,

perhaps, to say that our Law Society was organized at Niagara on the 17th of July, 1797, with ten members.

Kent had the honor of having the Chief Justice appointed Registrar of the County, (as will be seen by a reference to the schedule of officials for the Western District in the appendix) almost as great an honor as the proposal of the British Government to send the Earl of Chatham as Governor to Canada, with £5,000 a year. The date given is the 12th November, 1829, but his commission as Chief Justice bears date the 13th July, 1829, and there is a manifest mistake here. This office he held up to 1862, when resigning he went to the Court of Appeal as its President, and there continued till his death on the last day of January, 1863, in the 72nd year of his age.

I give the following beautiful tribute to the noble Chief Justice from the Toronto Globe of June, 1873, the day following the banquet given to him on his retirement from the Queen's Bench, by the Bar of Ontario.

THE GLOBE'S TRIBUTE.

"We are not of the school of politics to which Sir John B. Robinson belonged, and were he in public life now, it is certain that we should differ widely from his views. But this ought not and shall not prevent us paying a tribute of praise to a well spent and honored life. Sir John Robinson, in his speech of last evening, gave cordial thanks to the late Rev. Dr. Stewart, of Kingston, and to the Rev. Dr. Strachan, who sat beside him, a hale man of 84 years, for their kind protection and training bestowed on him in his early years, when left an orphan; and doubtless to them he owed something of his early rise. But it is evident that the youth who distinguished himself on the field of Queenstown at the age of 25, and was thereafter made Attorney General, ere he had been actually called to the Bar in a formal manner, needed but little help in life. He was the architect of his own fortune. Possessed of a ready and clear, if not a profound intellect, a steady will, great activity, will and perseverance, Mr. Robinson would doubtless have succeeded in any country, but in a backwoods region like Canada, it is not wonderful that he rapidly took the first honors of the profession, and was called to the Bench at the early age of forty. He was, at that time and remained for some time after, the head of a powerful political party, and showed invincible determination and courage in advocating its views. Doubtless, he was often in the wrong—who has not been proved by time to be in the wrong?—but no one will deny to him the credit of being perfectly sincere and honest in his convictions, and having labored for them with conscientious zeal and assiduity. In reference to

one part of his career no limit need be placed on our praises. He was a strong friend of British connection and defended this outpost of England with a courage which knew no difficulty. As the acknowledged head of society in this Province, Sir John B. Robinson has exercised as great an influence as in his political sphere and has used it in an eminently beneficial manner. In his own personal habits, temperate, frugal, chaste and dignified, liberal in his hospitality, a friend of morality, and an enemy of excess, there can be no question that his example has had a powerful influence on social habits, not only in the city but throughout the whole Province. As subject, parent and member of society, he stands before his countrymen *sans peur et sans reproche*, worthy of the honors bestowed upon him by his sovereign, and of the esteem and respect of his fellow-citizens."

THE FAMILY COMPACT.

The Chief Justice was the acknowledged head of the widely denounced "Family Compact"; but may Canada always have as honorable, independent and able men to administer her affairs. I have great pleasure in giving what Mr. Read says, in his "Lives of the Judges," as to this much assailed body of gentlemen.

After saying that the Hon. Robert Baldwin Sullivan, Hon. William Allan, Hon. Augustus Baldwin, Hon. John Elmsley, Hon. Wm. Henry Draper were the Executive Council on the 18th April, 1838, he adds: "I do not call this a Family Compact council," and "there are not wanting writers who have laid at the door of the Family Compact all the sins that flesh was heir to in those days, including the non-reprieve of Lount and Matthews. After all, what was the Family Compact? It was an organization composed of those who had originally settled in the Province, and, no doubt, thought they had at least a pre-emptive right to it, many of them having occupied positions of trust in the colony. They were men, not of the same family or always of kin to each other, but like the soldiers of old when they had conquered a place they meant to hold it. The government of the country got into their hands, and they were determined to hold it against all comers. The citadel had many defenders; Beverley House, one of the principal bastions no doubt, being held by the Chief Justice, who never surrendered till the last gun was fired."

Considering what was said of appointments generally by the Family Compact, and as they go at the present day, it can't be said that ours was a very bad one. But let me turn to another registrar's appointment in this District, that of the late Colonel James Askin, of Sandwich, to the Essex registrarship in 1831, by the Family Compact. We got full Responsible Government in 1841, and yet in 1856 the

Colonel resigned and his eldest son, John, was appointed by the Executive of United Canada, and continued to hold the office till 1872, when he resigned and his son was by a Reform Government of Ontario, appointed, and is now the occupant of the office. What a tribute to the first recipient and the selection of the Family Compact, and what an honor, too, to the good name of Askin, sixty-five years' tenure of the same office in the same family and not done yet! If the present worthy incumbent had a son in addition to his six daughters, the reversion might be continued in the family—*nil desperandum*—as the ladies are getting into the Church, the Bar and Medicine, why may they not with the progress of the franchise look to the spoils of office, and then what of the Registrarship of Essex with six such fair petitioners?

As a native Canadian, having had a large experience and acquaintance in Upper Canada since I first saw Toronto in June, 1836—just before the general election of that year when Sir Francis Head was so fully sustained by the new House—I rejoice that my native Province had an Executive and Legislative Council, whether called the Family Compact or otherwise, of which the subject of the above admirable tribute was the recognized chief, and whose counsels, no doubt, were paramount; and I humbly express the hope that every colony of Her Majesty's vast empire may enjoy the same blessing. I say this because under the Proclamation of 1763, which gave the colonists the right to have assemblies such as the thirteen English colonies had, the privilege was never exercised and the Act of 1774 declared it inexpedient to call an Assembly and vested the Legislative power in persons appointed wholly by His Majesty and removable at his pleasure, so that during the twenty-eight years no Legislature was asked for. Then our Constitutional Act of 1791 didn't give us Responsible Government. This was only got in 1841, and the complaint of an irresponsible Executive was wholly unwarranted so far as the Constitution went, for their was no power to make the Executive responsible to the House. It was responsible to the Crown, and the Sovereign was jealous enough to wish to hold it, and in no way desirous of relinquishing this prerogative, and especially to a Canadian Legislature so likely to be infected with the adverse spirit of 1776. Then see how even in England with Responsible Government nominally in full operation, the views and voice of the House were continually thwarted by the influence of the Sovereign.

MICHIGAN UNDER THE JUDGES.

Again look at the Territory of Michigan after we left it in

July, 1796, and see what its administration under the Governor and Judges as the Executive and Legislative bodies, was. Matters could hardly have been worse, and as compared with the way in which Upper Canada was administered by Governor Simcoe and his successors, was one hundred years behind us. This period of the Governor and Judges presents some strange constitutional and municipal history. But look to-day at the Federal Government of the United States and that of the forty-five States, and the element of responsible Government is wanting in all, no further advanced than Upper Canada during the days of the Family Compact and yet Bidwell, Rolph, MacKenzie, *etal*, could only see constitutional freedom in things American, while everything was tyranny in Canada. They all lived to be wiser men, and Upper Canada before the Union and Responsible Government, was as prosperous and happy a people as it has been since the Union, and, up to 1841, while the population of the United States had increased twenty fold, that of Upper Canada had increased nearly one hundred fold.

OUR JUDGES.

Then follows a long line of judges, whose names will be found in Read's "Lives of the Judges," down to the late Mr. Justice O'Connor, 1887, and I would again earnestly recommend this interesting volume to my readers as a reservoir of judicial, political and social history; and these names with others down I give as an appendix. (See appendix.)

Have we not reason to be proud of our judges and courts? And as of our judges so of our bar, from whom they are drawn. Kent has great reason to be proud of her's. Already two of them, Mr. William Douglas, Q. C., and Mr. Matthew Wilson, Q. C., have appeared before the Judicial Committee of the Privy Council in England, to argue the important questions involved in the drainage case of Williams v. the Municipality of Raleigh.

And how suggestive is this word drainage. It first appeared in our statutes in 1834 (4 Wm. IV, c. 12, s. 16) as the Ditches and Watercourses Act with the *fence viewers* as the court, without appeal. It has gone on expanding with its engineer and appeal to county judge, and into the government drain and the municipal drainage system, until it has reached the dimensions of a "Little Holland" under the Forbes scheme, and the enlarged views of Mr. Augustine McDonell, C. E., of this place, and the entire range of colonial judicial tribunal, until it has further attained to the dignity of an appeal before the Committee of the Privy Council in England as just stated. *Tempora mutantur.*

And it must not be forgotten that to the act of the Hon.

Archibald McKellar as M. P. for Kent, in 1866, the great change took place, through the *debenture* system.

Then we have the referee, Byron M. Britton, Q. C., discharging the functions of the judge and arbitrator as a special officer in the interests of those seeking the benefits of drainage; and the Government has also appointed a commission to consider this great question and promote the necessary legislation which has been so fully and ably carried out under the direction and professional skill and ability of our friend the Chairman, John Brown Rankin, Esquire; the other members of the commission being Mr. Balfour, M. P. P., honorary member; Mr. W. G. McGeorge, C. E., Mr. Robert Lamarsh and Mr. A. McIntyre.

THE LOCAL OSGOODE.

Harrison Hall is our local Osgoode and may it ever maintain the high character of the parent seat of justice. Sacred is the building consecrated to the administration of justice whether civil or criminal. There is nothing that more distinctly characterizes a people than its judiciary. In this England stands pre-eminent among the nations of the earth, and Canada has sought to uphold the high standard presented by the Mother Country. This high tone was no doubt owing to the fact that as a Crown colony our Judges and Crown officers were appointed in England. I can remember that as late as 1835 Mr. Jamieson came out here as Attorney General, and was made our first Vice-chancellor on the formation of the Court of Chancery in 1837—the Lieutenant Governor Sir Francis Bond Head being the Chancellor *ex officio*—and being the first purely *civil* Governor Canada had had up to that day.

Now we appoint our own Judges, and our Bar presents as good a field for choice as could be found anywhere; and it early became such, for I recall the fact that the Hon. Henry John Boulton who unsuccessfully contested Kent in 1845 with my brother, was the ex-Chief Justice of Newfoundland, to which high office he had been called while Attorney General of Upper Canada.

Sacred as this hall then is in its dedication, let it know neither race, creed, nor color. The goddess of Justice with the Romans was represented as being blindfolded and holding the scales of Justice with an impartial hand, blind to all surrounding persons and circumstances from which undue influence might come; and may we not hope that in Ontario and Canada at large, this judicial blindness may ever prevail? The arms and motto of our honorable Society suggest the administration of justice with golden scales and the freedom that Magna Charta proclaims.

LOCAL COURTS.

In this connection I must speak of our local courts. The first court held in Kent after the old court of Requests with its commissioners had passed away, was under the Act of United Canada, 4 and 5 Vic., c. 53 (1841) on the piece of ground directly opposite Harrison Hall, where the Central School now stands and where the first public school was re-established. It was held by the late Charles Eliot, Esquire, who for many years had been judge of the Western District and chairman of the Quarter Sessions. He was a most accomplished gentleman, had been an officer in one of His Majesty's regiments of Foott, and was the uncle of our late friend, Mr. A. R. McGregor, of this city.

I myself in the spring of 1843, the first year of my practice, took the circuit which extended from Sandwich to Sarnia and and held court in Chatham, and thence to Dawn Mills and on to Sarnia, reaching home by way of Michigan, after having very nearly lost my life and horse in crossing a stream in Michigan after dark, the bridge over which, or rather the approaches to which, had been carried away by the spring freshets. Quite a contrast to my present circuit which I make wholly by rail.

And yet even now there are some drawbacks. I recall that last year to reach Merlin—sixteen miles from this—and return the same day, I had to use four railways—the Erie & Huron, the Lake Erie & Detroit River, the Michigan Central and the Canadian Pacific Railways—with two sleighs and a drive of six miles.

As I have before stated our separate court organization took place in 1850, and in January, 1851, our first County Court and Quarter Sessions were opened by William Benjamin Wells, Esquire, our first judge, and I had the honor of making the first speech within its walls and successfully defending some fellow for larceny, for there were no civil cases. The late judge and I came here together, he from the east and I from the west. The judge had represented Leeds in the Upper Canada Legislature for some years and was an active politician and among the very few literary men then in Canada, and was the author of a work on Canada, entitled "Canadiana," containing sketches of Upper Canada and Upper Canadians in its political affairs, 1837. He resigned in 1878 and was succeeded by His Honor Judge Bell. The other officials were John Waddell, Sheriff; George Duck, jr., Clerk of the Peace. The Crown Attorney was not known at that time and the office was only created in 1857. Peter Paul Lacroix, Deputy Clerk of the Crown and Clerk of the County Court and Surrogate Clerk, and good old Mr. Robert Payne, as jailer, while Captain Glendening was Clerk of the First Division

Court, and Mr. Wm. B. Wells, the late judge's eldest son, has been and still is the second.

Since I began practice I have known four systems of pleading, and seen the establishment of five new courts: The Court of Common Pleas; the Supreme Court of Canada; the Exchequor Court; the Maritime Court; an Admiralty Court, and the Speedy Trials Court for Criminals. (1) The pleading prior to the *Regulae Generales*, consisted of numberless counts and innumerable pleas, with its "general issue of unbounded and illogical effect," special demurrers, declarations, pleas, replications, rejoinders, rebutters and surrebutters. (2) That of the *Regulae Generales*, 1843, by which the general issue was greatly curtailed in its operation, and the counts reduced to one for each cause of action and one plea to each separate ground of defence. (3) That of the Common Law Procedure Act, 1856, combining both law and equity under the right to add an equitable plea, and providing that a pleading need not be signed by counsel nor should wager of law be allowed; a great advance upon the old system, relieving the courts from the reproach of sending suitors like shuttle cocks from one court to another and being sent to chancery to be enabled to go to common law; and it was in this new system that our Chief Justice Harrison so distinguished himself as a legal author. (4) The great and radical change under the Judicature Act of 1881, preceded by the amendment tending to this change in the Act of 1873, which was in advance of the English Judicature Acts, and which shewed a strong desire on the part of the Attorney General, Sir Oliver Mowat, to fuse as much as possible law and equity. These were all progressive and ameliorative steps in the great cause of Justice. In the Judicature Act we find more than a change in pleading and see there the greatest changes in the constitution and practice of the courts. The venerable Court of Queen's Bench extending in England over 1000 years, and extended to Canada by the proclamation of 1764 and the Constitutional Acts of 1774 and 1791 and continued by our Provincial Act of 1794, was by the Judicature Act of 1881, abolished and absorbed in the High Court of Justice for Ontario, and so with the Court of Chancery established in 1837, and so with the Common Pleas established in 1849, and all put upon a common footing, doing away with the dual system and the great vice of a divided jurisdiction with its anomalies and inconveniences, and largely with the Jury system.

And the Acts of the last Session to consolidate the Acts governing the Supreme Court of Judicature and the Law Courts Act, 1895, of great importance, relating to appeals, procedure in in the Court of Appeal, divisional sittings of the High Court, appeals to and from Divisional Courts and the sittings and consti-

tution of Divisional Courts, and the reduction of the cost of evidence, that will go into operation as soon as a proclamation is issued, provide great reforms and must make great changes for the better.

The County Courts have usually partaken largely of the practice of the Superior Courts, except where the restraint of jurisdiction has been imposed.

But it is when you come to the Division Courts, truly called "The Poor Man's Court," that you find a very simple and effective mode of administering justice between man and man, and taking in almost all the ordinary transactions of life, with a jurisdiction reaching to $200 in certain cases, sittings at all the chief points in the County—in ours—nine towns and villages almost monthly, attended by the best lawyers, the record a simple "statement of claim" and "dispute," as comprehensive as the "general issue" of ancient days, a fair regard for the rules of evidence, execution within fifteen days, with "immediate" or "speedy" judgment by leave of the Judge, Judgment Summons with power of committal for forty days, jury, and appeals in drainage, fence-viewers, Master and Servant, &c., with direct appeal to the Court of Appeal of Ontario, in cases over $100, and suitors having little to desire or complain of. In this Court and in this County more than $100,000 have been sued for in a year, a sum greater than that adjudicated on by all the Superior and County Courts for the same time. This Court, it is thought, will be made still more useful by an increase of its jurisdiction perhaps at the expense of the County Court; but whatever the change may be, we may reasonably suppose that with so experienced a legislator as Sir Oliver Mowat, it will be in the right direction, and giving the public fresh reason for congratulation. This Court dates back to the reign of Henry the VIII., as the "Court of Conscience" is found in operation under the Governor in Quebec and Detroit, and on our Statute Book as the Court of Requests as early as 1792.

And as it has been in civil matters, so it has been in criminal the Speedy Trials Act, before the County Judges; the extended jurisdiction of Police Magistrates, of whom there are three in this County, who may try for felony and misdemeanor, the dispensing with jurors, and other Acts and provisions simplifying criminal procedure are among the evidences of a determination on the part of the Legislature to make criminal procedure what it should be. It was only the other day that I astonished an American friend familiar with criminal trials on the other side, by telling him that a party charged with and imprisoned for felony or misdemeanor, could on the same day of his arrest be, at his own will, arraigned, tried, convicted and sent to the penitentiary for fifteen years.

CHATHAM HISTORICAL.

Anything of a historical nature connected with the Town has been so fully supplied in connection with its inauguration as a City, that I may be excused from saying much on the subject.

There is nothing of historical interest attaching to the lot on which our building stands, but just there at the Merchants Bank a bridge once stood, connecting the military reserve with this side of the Creek, and over that humble bridge passed the brave Shawnee Chief, Tecumseh, on the 3rd of October, 1813, to the military ground now our beautiful Tecumseh Park, where with his men he lay that night, while the regular British forces under General Proctor lay on the north side of the Thames, between what is now the line of the Erie & Huron Railway down to the Cosgrave farm at the lower end of the town. Here the great Chief wanted to make his stand and give battle to the Americans under General Harrison, the grandfather of the late President of the United States, and who himself became President in 1840 for the short period of one month.

In our vaunted superiority we are prone to say, "Lo, the poor Indian," with all that this implies; but may we not draw a valuable lesson from the example of this "untutored" but faithful Indian warrior, and show the patriotism which he exhibited in laying down his life for his adopted country; choosing rather to suffer affliction with the people of Canada, than enjoy the pleasures of the United States for a season, and esteeming the reproach of being a British ally greater riches than the treasures of Uncle Sam's Republic with all its vastness and wealth? Better to be an Indian Chief, with such a record, than even a Goldwin Smith, with his odious itch for annexation, and his distempered doctrines of "manifest destiny," &c.

But to pursue our recollections. What shall we say of the minor municipality in this happy work of co-operation? Chatham is not, that I know, remarkable for anything in a historical way, except the Tecumseh incident and that portion of it known as Tecumseh Park, which we must ever associate with the loyalty and devoted patriotism of our aboriginal allies. It was laid out on this side in a block of 600 acres on Lots 1 and 2, Harwich, and 24, Raleigh, extending from McGregor's Farm on the east to Lacroix street on the west, by Governor Simcoe in 1795, and added to in 1851 by taking in Lots 23, 1st Concession, and 24, 2nd Concession, Raleigh, Robinson Estate, and No. 1, 1st Concession, Chatham, and No. 24, 1st Concession, Dover.

Chatham will yet vindicate the sagacity and sound judgment that chose it as an important centre, and the day is not far off when she will have her true position among the cities of our great

Dominion and go forward, as she deserves to do, as the metropolis of Kent, the Garden of Canada.

There was no permanent settlement here for many years after the survey and not till 1830, although Governor Simcoe had a shipyard at this point, and built a block house on the reserve, and although Abram Iredell, P. L. S., who laid out the town, built a house and planted an orchard, some trees of which may still be seen on Lot 17, on the corner of William and Water streets, where Mr. John Smith and Mr. Colby live. The first permanent settler was the late William Chrysler, the father of our good old collector, after whom the ward was named in 1855, who settled and built on Lot C, now occupied by our esteemed fellow citizen, Dr. Holmes, as his fine residence.

It first took its place in the municipal organization of Ontario as an incorporated village in 1852, with five Councillors, and taking in Chatham North, which had been laid out by my late brother, Joseph, in 1837. Its next stage was to become an incorporated town in 1855, with nine Councillors, and with A. D. McLean, Barrister, as its first Mayor, and Duncan McColl as Clerk, as he had been of the village. Its members were: Thomas A. Ireland, Archibald McKellar, Alexander D. McLean, Joseph Northwood, John Smith, John Waddell, John S. Vosburgh, John Winter, and myself. Mr. Henry Smyth, representing the Mayor at the inauguration of our City on the 1st July, took occasion to say that I was the only survivor of the whole number. And it is somewhat remarkable that of these gentlemen one became Senator Northwood, another the Hon. Archibald McKellar, as a member of Sir Oliver Mowat's Cabinet, and later Sheriff of the County of Wentworth, as he had been M. P. for Kent, and M. P. P. for Bothwell through several years; Mr. Smith became the member for Kent in 1867, and Mr. McLean became Crown Attorney and Clerk of the Peace in 1859, while I have become one of the Judges of the County.

CHAPTER IX.

CONFEDERATION.

AS I said when speaking of Lord Sydenham's Government and the introduction of our Municipal Institutions and Responsible Government, we got complete self-government with the Union of Upper and Lower Canada in 1841, which continued to Confederation, 1867, with the four Provinces of Upper and Lower Canada, Nova Scotia and New Brunswick, now extended to all the Provinces except Newfoundland (which, in the colonial system, is not considered a part of British America) with a progress and development on every line of national growth, until Canada to-day is as prominent in the world as any other portion of it. But this is the subject of every day's report and discussion and does not call for any special reference from me in connection with my subject, except that it is the first attempt at Confederation between a group of British Colonies, and it is to be hoped it will be followed by the other great colonies and that all may be brought into imperial co-operation as indicated by the Ottawa Conference in June, 1894, and by Mr. Chamberlain, our new Colonial Minister. I present, however, the members of the first ministry under Confederation:

President,	Hon. A. J. Blair
Minister of Justice	Hon. Sir John A. Macdonald
Secretary of State of Canada,	Hon. L. Langevin
Finance Minister,	Hon. A. T. Galt
Minister of Public Works,	Hon. Wm. McDougall
Postmaster-General,	Hon. Alex. Campbell
Minister of Agriculture,	Hon. J. C. Chapais
Receiver-General,	Hon E. Kenny
Minister of Militia,	Hon. Sir. Geo. E. Cartier
Minister of Customs,	Hon. L. L. Tilley
Minister of Inland Revenue,	Hon. W. H. Howland
Minister of Marine and Fisheries,	Hon. P. Mitchell
Secretary of State for the Province,	Hon. A. G. Archibald

ONTARIO.

But of this constellation our noble Province of Ontario stands out pre-eminently as the bright particular star and a

review of it under its centennial effulgence would enable us to present it in successful rivalry with any other portion of the globe, not excepting England, or the Empire State of the Republic. But we are not surprised at this when we remember the high character of our Governors-General and Lieutenant-Governors. Let us recall the words of Governor Simcoe on the prorogation of the first session of the first Parliament of Upper Canada and see if we cannot find in them the key to the high character of our institutions, people and country.

"I cannot dismiss you without earnestly desiring you to promote by precept and example among your respective counties the regular habits of piety and morality the surest foundations of all public and private felicity; and at this juncture I particularly recommend to you to explain that this Province is singularly blessed, not with a mutilated constitution, but with a constitution which has stood the test of experience and in the image and transcript of Great Britain, by which she has long established and secured to her subjects as much freedom and happiness as it is possible to be enjoyed under the subordination necessary to civilized society."

And the words of Sir Francis Bond Head in his farewell address to Parliament in March, 1838, are equally deserving of recall: "May the resplendent genius of the British Constitution ever continue to illuminate this noble land, and animated by its influence, may its inhabitants continue to be distinguished for humility of demeanor, nobility of mind, fidelity to their allies, courage before the enemy, mercy in victory, integrity in commerce, reverence for their religion, and under all circumstances implicit obedience to their laws."

On the 4th of April, 1893, our present popular and able Lieutenant Governor, the Honorable George A. Kirkpatrick, on the opening of the new Parliament buildings, said: "It gives me great pleasure to meet you as a Legislative Assembly for the first time since my appointment as Lieutenant Governor, and it is particularly gratifying that I am privileged to do so in these beautiful buildings now so recently completed, and so well adapted for your accomodation and the convenience of the public service. I regret that the condition of the work did not admit of my calling you together at an earlier day. It is to me a source of historical interest to remember that I am addressing the Legislature of this Province in the first year of the second century of the existence of representative Government in Canada. The progress of events from the first Parliament opened by His Excellency Governor Simcoe at Niagara in 1792, to the opening of this Parliament today, shows what great strides have been made towards the development of the country and the enlargement of the privileges

of citizenship under the Constitution given to us by the Imperial Parliament. As a native of Ontario and for many years connected with the public life of Canada, I rejoice to believe that under our present relations with the Empire we can enjoy every right and privilege necessary to the fullest exercise of self-government."

Professor Wm. Draper in his Civil War in America, says: "There is a period in the life of a nation when it is ashamed of the opinions handed down to it."

I am proud to say that in this long review of our young country we find no room for shame, for the record is a most honorable one—slavery put an end to at once, marriage jealously guarded, virtue invoked, and vice denounced, liberty of the person and security of life and property promoted by the wisest legislation, verifying the words of Sir Wm. Blackstone, when, in speaking of England, he says: "A land, perhaps the only one in the universe, in which political or civil liberty is the very end and scope of the Constitution."

And my prayer is that the righteousness enjoined by our good Governor Simcoe may ever increase, and exalt us as a nation and save us from those sins which are a reproach to any people.

PROCLAMATION OF SIMCOE, APRIL, 1793.

I should like to say that so rapid was the growth of the country after the closing of the American War in 1783, that by 1790 the population of Canada had reached probably over 160,000, and by 1798, when, after Canada was divided into nineteen counties and districts, the four original districts of the Province contained twenty-three counties and 158 townships. To-day as a further evidence of our continued growth Ontario has forty-five counties and over 800 townships. And it should not be forgotten that while the population of the United States has increased twenty-one fold since 1760, that of Canada has increased eighty fold; although the United States had a century and a half start of us, aided by British credit and wealth. And even by the census of 1890 and 1891 in each country, while their population has increased eighteen times, ours has increased twenty times over the census of 1880 and 1881. I must give the names of the Governors-General of Canada from the first down to the present, and the Lieutenant-Governors of Upper Canada. (See appendix.)

I now again refer to the first number of the "Upper Canada Gazette or American Oracle," the first newspaper published in Upper Canada on the 18th April, 1793, at Newark, and "think myself happy" in having the opportunity to repeat this admirable appeal to the people of Kent, and thank Sheriff Mercer for

placing it at my disposal. It is a somewhat striking circumstance that the last criminal statute of Canada—the lamented Sir John Thompson's Code—provides, for the first time, a punishment for the offence of incest, which hitherto has been regarded as an ecclesiastical one, not punishable by a Civil Court.

PROCLAMATION.

JOHN GRAVES SIMCOE.

PROCLAMATION FOR THE SUPPRESSION OF VICE, PROFANENESS AND IMMORALITY

—BY—

HIS EXCELLENCY JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT-GOVERNOR AND COLONEL COMMANDING HIS MAJESTY'S FORCES IN THE PROVINCE OF UPPER CANADA.

WHEREAS, it is the indispensable duty of all people, and more especially of all Christian nations, to preserve and advance the honor and service of Almighty God, and to discourage and suppress all vice, profaneness and immorality, which if not timely prevented may justly draw down the Divine vengeance upon us and our country. And His Majesty having for the promotion of virtue and in tenderness to the best interests of his subjects, given command for causing all laws made against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's day, swearing and drunkenness, to be strictly put in execution in every part of the Province, I do, therefore, direct, require and command the peace officers and constables of the several towns and townships, to make presentment upon oath, of any of the vices before mentioned, to the justices of the peace in their section, or to any of the other temporal courts. And for the more effectual proceeding herein, all judges, justices and magistrates, and all other officers concerned for putting the laws against crimes and offences into execution are directed and commanded to exert themselves for the due prosecution and punishment of all persons who shall presume to offend in any of the kinds aforesaid; and also of all persons that contrary to their duty, shall be remiss or negligent in putting the said laws into execution. And I do further charge and command, that the Proclamation be publickly read in all courts of justice on the first day of every session to be held in the courts of the present year, and more especially in such of His Majesty's courts as have the cognizance of crimes and offences; recommending the same to all Christian ministers of every denomination, to cause the same Proclamation to be read four times in the said year, immediately after divine services in all places of public worship and that they do their utmost endeavor to incite their respective auditors to the practice of piety and virtue, and the avoiding of every course, contrary to the pure morality of the religion of the holy gospel of Jesus Christ.

Given under my hand and seal at arms, at the Government House, Navy Hall, the eleventh day of April, in the year of Our Lord one thousand seven hundred and ninety-three, and in the thirty-third year of His Majesty's reign.

By His Excellency's command, J. G. S.

WM. JARVIS, Secretary.

KENT'S REGISTRY OFFICE AND ST. JOSEPH'S ISLAND.

The first entry in our registry office here relates to the appointment of a curator to the estate of one Campeau, by Judge Powell, on the 2nd of July, 1789, which would show that the

Judge had lost no time in entering upon the duties of his office, as he arrived in Detroit on the 15th of June. And we see on 30th June, 1798, the registry of a transfer of the Island of St. Joseph or Cariboux, in Lake Huron, by the principal chiefs, warriors and people of the Chippewa nation to Alexander McKee, Deputy Superintendent and Deputy Inspector General of Indian Affairs for and in behalf of His Majesty George III.

The case of Fields v. Miller in our own Courts, 27, U. C., Q. B., gives some interesting particulars of the granting and surveying of Lot 17, 2nd Concession, Harwich, by the Land Board of Hesse, described in the grant as Lot 17, *2nd township* south side River La Tranche, and of the township as well. Deputy Surveyor Iredell was the surveyor, a well known name here at that time, and the same as laid out the Town of Chatham in 1795. I give a copy of the Land Board certificate in this case.

"At a meeting of the Land Board of the District of Hesse, at the Council House at Detroit, on Friday, 28th September, 1792, Lieutenant Colonel England, President; John Askin, Esq., Louvigney Montigney, Esq., members, James O'Brien, petitioner for Lot 17, Second Township, Second Concession, south side River La Tranche, having appeared, the Board grant him said lot, having administered the oath of fidelity and allegiance to him as by law directed. Signed by the President and members."

The Township later on received the name of Harwich, and the name of the river was changed in July of that year at Kingston by Simcoe to its present name, and it will be observed that the first Parliament of Upper Canada had been ten days in session.

In September, 1789, an order was issued from Quebec to the Board of Justices in the District of Hesse, defining the lands for settlement in Canada, beginning at the western boundary of the last purchase from the Indians west of Niagara.

Chief Justice Campbell says: "In 1789 provision was made for granting lands in the Province to American refugees, and the region lying east of the Detroit River and north of Lake Erie was largely settled by Dutch Tories from New York. The result was to excite among the Americans who afterward settled in Michigan a fierce animosity against that class of these neighbors which was of long standing. In regard to the other British people, the feeling was more kindly, except as to the Indian agents and emissaries, who were never forgiven for their share in the massacres of the Americans."

In 1792 there were but five surveyors in the Province and these were sent by Lord Dorchester to Governor Simcoe to aid him in laying out his grants and townships.

In the earliest days of the settlement, lands were surveyed

under the direction of the King, by an officer appointed for that purpose and the same method prevailed under British rule. I am able to give a copy of one of these appointments taken from Farmer:

"In consequence of repeated complaints made by several of the inhabitants that their neighbors have encroached on their farms and that they do not actually possess the quantity specified in the primitive grants and for which they pay rents to His Majesty; therefore, Mr. James Sterling, being an experienced and approved surveyor, I have appointed him King's Surveyor at Detroit; and for the future his surveys shall be looked upon as valid and decisive, and whom it may concern are hereby ordered to conform thereto.

"Given under my hand and seal at Detroit, April 21st, 1774.

"HENRY BASSETT,

"Major and Commandant."

From other old records it appears that Philip Frye was the surveyor March 27th, 1785. He appointed Thomas Smith his deputy on May 8th, 1787. Peter McNiff acted as surveyor in 1794 and 1799.

My brother Joseph studied surveying under Thos. Smith who came to live on the Canadian side and who was so highly esteemed by the citizens of Detroit, that upon Detroit being burnt down in 1805, they sent for him to lay out the city under the direction of the governor and Judges' plan; and the historian adds, "His Britanic Majesty's Surveyor Thos. Smith was brought over from Upper Canada to assist in that arduous undertaking."

LORD SELKIRK.

In addition to the very rapid settlement of the Province in this part of the country through the United Empire Loyalists and others, there was one exceptional and remarkable one, that of the Earl of Selkirk, in 1804, at the Chenal Ecarte, and Big Bear Creek, now the Sydenham, know as Baldoon. Baldoon farm consisted of 950 acres and other lots were taken up on the Sydenham and the Earl brought out 111 of his sturdy Highlanders, many of whose descendants are still with us. In addition to this he got the lots at this end of the townline, 24, 1st concession, Dover, and 1, 1st concession, Chatham, 578 acres, both of which my father bought from him and which form the north part of our city. I called Selkirk street after the Earl and Baldoon street after the settlement to which it leads. My father was His Lordship's solicitor, and I recall the large trunks and boxes containing the papers of the estate and those of the officials connected with it. My father came from the Montreal Bar in 1800, and being master of the French language was enabled to make himself very

useful between the people of the large French settlements and the English speaking settlers; and the merchant princes who came across the Detroit River and settled in Sandwich with these, made a fine clientage—The Pattinsons, MacIntoshs, Meldrums, Parks, Innes, Duffs, Leiths, McGregors, Babys, etc. How well I remember the enormous warehouses and other buildings on the river front and on their own premises, all of which as the fur trade passed away were just allowed to stand empty from year to year and go to ruin. Those at Moy on the MacIntosh estate were only displaced on the Great Western Railway getting its right of way along the river front in 1851. What a vast trade was done through those old storehouses. It is a matter of record that Mr. Richard Pattinson made as much as £100,000 in one season's sale of furs owing to Napoleon's demand for the article in his campaigns. And it is said that when Detroit surrendered to Major Rogers in 1760, he found there £600,000 of furs.

I ought to mention that a wrongful act on the part of General Hull, when in possession of Sandwich in July, 1812, towards this Selkirk settlement, led to severe charges being made against him both by his own people as well as by the Canadians; he sent an officer to Baldoon, who seized and carried off several hundreds of Merino sheep, which were valued very highly, and took them to Detroit, but which it is said he did not use for the maintenance of his army but for his own purposes. This was done in the very face of his own proclamation: "I promise you protection to your persons, property and rights." But he little thought the heroic Brock would so soon be upon his trail and hold him to a full account as he did. I mention the above facts as well to show the prosperity of the people at that early day as the losses they were exposed to by Hull's invasion, which through General McArthur extended as well to Moraviantown as to the Selkirk settlements, and the subsequent ones of Harrison and McArthur whose destructive work went as far east as the Grand River.

CHAPTER XI.

THE RIVER DETROIT NAVIGATION.

HAVING had our chat about the islands of the river let us ask when we first hear of the navigation of it. As to vessels, the Griffon must be first named and for the following particulars, as for much more in these pages, I am indebted to Farmer's valuable history of Detroit. Her tonnage is variously stated at from forty-five to sixty tons. She carried five canon and was built by LaSalle at the mouth of the Cayuga Creek near Niagara in the spring of 1679. After several short trial trips, on 7th August with Chevalier LaSalle, Father Louis Hennepin and some others, thirty-two in all, she started on her first real voyage, arriving at the mouth of the Detroit on August 10th.

Two days after, on the festival of Sainte Claire, she entered the little lake which was christened Lake St. Claire, in honor of the founder of the Franciscan nuns. Two centuries later a gathering at Grosse Pointe rechristened the lake with various exercises, including poems by D. B. Duffield and Judge Campbell and an address from Bella Hubbard. On her return trip the Griffon left Washington Island, in Lake Michigan, on 18th September. Two days after a storm arose and she was lost. Prior to this, in 1669, Joliet was the first Frenchman to descend Lake Erie from Detroit. In 1721 Charlevoix, the great pioneer, came up Lake Erie on his way to the Mississippi.

After this no sailing vessels are known to have passed Detroit for nearly half a century. The first we hear of are those engaged in conveying troops, provisions and furs between Detroit and Niagara. In 1763 and 1764 the Schooners Beaver, Gladwin and Charlotte went to and fro constantly, the trip varying from six to nine days.

The first vessel known to have been built at Detroit was the Enterprise. She was launched in 1769.

In 1778 the British brig of war, General Gage, arrived making trip from Buffalo in four days. On accouut of the Revolutionary War, none but Government vessels were then allowed upon the lakes.

In 1780 the captains and crews of nine vessels were under pay at Detroit and a large dock-yard was maintained. The

names of the vessels were the Gage, Dunmore, Faith, Angelica, Hope, Welcome, Felicity and Wyandotte.

On August 1st, 1782, the following named vessels, all in good order and all built in Detroit, were on duty in Lakes Erie, Huron and Michigan:

Names.	Men on Board.	Guns.	Burth'n	Carrying Men.	Capacity Barls.	When Built.
Brig Gage	27	14	154	160	200	1772
Schooner Dunmore	14	..	106	100	200	1772
Schooner Hope	11	..	81	80	70	1772
Sloop Angelica	7	..	66	60	200	1771
Sloop Felicity	6	..	55	40	50	1774
Schooner Faith	48	10	61	60	100	1774
Sloop Wyandotte	7	..	47	30	30	1779
Sloop Adventure	8	..	34	30	30	1776
Gun Boat	11	1	..	..	..	....

In the spring of 1793, four Government vessels were lying in front of the town. Of these the Chippawa and the Ottawa were new brigs of about 200 tons each and carrying eight guns; another was the Dunmore, an old brig of the same size with six guns; the 4th was the sloop Felicity, armed with two swivels. All of these were under command of Commodore Grant. There were also several sloops and schooners owned by trading firms.

Three years later in 1796, twelve merchant vessels were owned in Detroit; also several brigs, sloops and schooners from fifty to one hundred tons each. After the surrender to the United States (July, 1796) the Schooner Swan, then owned by James May, was hired to convey the first United States troops to Detroit, and was the first vessel on the lakes to bear the United States' flag. The second to convey the United States' flag was probably the Detroit, she was purchased by the Government of the Northwest Fur Company.

The first steamboat that sailed Lake Erie, the Walk-in-the-Water, after the chief of the Wyandotte Indians, reached Detroit from Buffalo, 17th August, 1818, leaving there on 23rd, and taking in sailing about 44 hours and 10 minutes. In 1825 there was still but one steamer on the lakes. The first steamer that we had on the lakes was built here by Duncan McGregor called the "Western," a vessel of some fifty tons and twenty-five horse power which McGregor had converted out of the Rob Roy, on the river flats immediately below Judge Bell's residence, about the year 1830–1, and which was put on the route between Chatham and Amherstburg. The next year was built at the same place the Steamer Thames, of about 200 tons and fifty horse power, and was run as a leading boat between Port Stanley and Buffalo

until burned by the rebels and patriots, at Windsor, on the 4th December, 1838. At the same time was also built the "Cynthia McGregor," called after the wife of the late Duncan McGregor, who, with Henry VanAllen, his brother-in-law, built her and she ran between this and Detroit. She was a 100 ton vessel and forty horse power, and ran on the Chatham and Amherstburg route till she was unfortunately burned; and then came the Brothers, by the Eberts' brothers, the first of their long line of steam and sailing vessels.

My recollection goes back to when we used to cross the Detroit River in a canoe, which was succeeded in 1825 by the horse-boat, and, in 1830, by the Steamer Argo, the first steamer belonging to Detroit, and then we had the canoe, sail-boat, horse-boat and steamer all at work. The Argo was the first steamer to come up the Thames, which she did in 1828. Our old friend, the late William Ryan, used to be the engineer on the Argo as he has often told me.

As with the ferry, so with everything else in modern use, I have seen pass from the primitive stage—from the lucifer match, which came in in the thirties, in place of the flint and steel; the percussion cap, instead of the flint gun which came in 1830; the double-barreled gun, instead of single; the buggy, instead of the gig—and Sheriff Mercer was the first person in the then Counties of Essex, Kent and Lambton to drive a top buggy—and so with the carrying of the mail between Toronto and Amherstburg, on foot, on horseback, stage and railway.

But what are the changes in navigation? Look at it to-day, with a tonnage passing over this river of 30,000,000 annually and with vessels carrying as high as 150,000 bushels of grain.

In the fifties and up to the breaking out of the war in 1861, the tonnage was still of the 300 ton vessel, and to some extent long after it. They are to-day carrying 4500 tons and the new tonnage is larger every year, and it is said that when the Detroit, St. Clair and St. Mary's Rivers are made twenty feet deep, now more than half completed, there will scarcely be a limit to the size of the lake craft.

The Detroit River for many years has seen more tonnage in a single day than any other spot in the world, for the whole of the craft trading between the upper and lower lakes must pass this point.

The average size of lake vessels is larger than of ocean ones, and this is shown by a comparison of the number and aggregate tonnage of the vessels of all classes visiting New York with those that go to Cleveland. If the cargo were made the basis of comparison instead of the registered tonnage, this would appear.

The records of the Sault Canal show that the tons carried

through it exceed the official tonnage of the vessels. The United States Government has documented about 4,000 lake craft of all classes and sizes, and the Lloyd's Register has admitted 2,100 of these as worthy of rating for insurance. Of these 150 are of steel and iron, and those of more than 4,000 tons measurement are becoming common.

In 1890, during the 365 days of navigation of the Suez Canal, 3,589 vessels of 6,890,014 tons measurement passed through. In the 230 days of Sault Canal navigation, 10,557 vessels of 8,454,435 tons passed through it. Latest returns give the increase for 1894 at five millions of tons beyond that of the Suez.

BELLE ISLE PARK.

When we look at Belle Isle now, in all its splendor, as Detroit's island park, and perhaps without a rival in all the Union, with its circular canal, club and boat houses, bridges, docks, woods, meadows, gardens, flowers, pavilions, electric lights and all the other attractions, at a cost of over $1,600,000, we can hardly fancy it the pasture ground of good King George's cattle, but such it was up to the time of the surrender in 1796; but even in that day it was the scene of the picnic, as it is to-day, but not on so grand a scale, and I am going to give you an account of one which took place there in 1789, written by Miss Ann Powell, the sister of Judge Powell, of whom I have spoken as having come with his family to Detroit that year from Montreal to do duty as a Judge of the Common Pleas just then established, having taken from the 16th of May to the 5th of June to make the journey.

She says: "As soon as our vessel anchored several ladies and gentlemen came on board, they had agreed upon a house for us, till my brother could meet with one that would suit him, so we found ourselves at home immediately. The ladies visited us in full dress, though the weather was boiling hot. What do you think of walking about when the thermometer is above ninety? It was as high as ninety-six the morning we returned our visits. While we stayed at the Fort several parties were made for us—a very agreeable one by the 65th, to an island a little way up the river. Our party was divided into five boats; one held the music, in each of the others were two ladies and as many gentlemen as it could hold. Lord Edward Fitzgerald (then at Detroit) and his friend arrived just in time enough to join us; they went around the lake by land to see some Indian settlements and were highly pleased with their jaunt. Lord Edward speaks in raptures of the Indian hospitality. He told me one instance of it which would reflect honor on the most polished society. By some means or other the gentlemen lost their provisions and were entirely without bread, in a place where they could get none. Some In-

dians travelling with them had one loaf which they offered to his lordship, but he would not accept it; the Indians gave him to understand that they were used to doing without and that therefore, it was less inconvenient for them. They still refused and the Indians then disappeared and left the loaf of bread in the road the travellers must pass and the Indians were seen no more.

"Our party on the island proved very pleasant, which that kind of a party seldom does. The day was fine, the country cheerful and the band delightful. We walked some time in the shady part of the island and then were led to a bower, where the table was spread for dinner. Everything here is on a grand scale; do not suppose we dined in an English arbor. This one was made of forest trees and bushes, which being fresh cut, you could not see where they were put together, and the boughs were the whole height of the trees though quite close at the top. The band was placed without and played whilst we were at dinner. We were hurried home in the evening by the appearance of a thunder storm. It was the most beautiful I ever remember to have seen."

Let us now have a little further testimony to the beauty of the Detroit River, and this time from the celebrated Mrs. Jameson, the authoress, and wife of our first vice-chancellor, who, in 1837, visited it, and when Mr. Woods had the pleasure of meeting her, as she knew her uncle the American Consul in Vienna, Austria.

She says: "The day has been intolerably hot, even on the lake there was not a breath of air, but as the sun went down in his glory the breeze freshened and the spires and towers of the City of Detroit were seen against the western sky. The schooners at anchor, or dropping into the river, the little canoes flitting across from side to side, the lofty buildings, the enormous steamers, the noisy port and busy streets all bathed in the light of a sunset such as I had never seen, not even in Italy, almost turned me giddy with excitement."

I myself in coming up from Amherstburg last week on the Steamer Wyandotte in her evening trip, witnessed a scene on our approach to the city that in its brilliant panoramic effect surpassed anything I ever saw, except at the Lagoon, at the World's Fair, when the gondolas were flitting about, the fountains flashing their colored lights and the search-light illumining all with its gorgeous splendor.

DETROIT.

Let us take a *coup d' aeil* of the Queen City of the Straits, as she sits there in the pride of beauty and historic charm. We can only glance at what she was, and are unable to speak of what she

is. The city was founded in 1701, by the Chevalier Antoine de la Mothe Cadillac, before Peter, the Great, had built St. Petersburg. When Cadillac came the East India Company and the South Sea Bubble had not been heard of and there was not a newspaper or a post office in the United States. The first colony here established was like a bit of France in the wilds of the New World. The early French colonists applied the name Detroit—strait—to the settlement on both sides of the river. One North Detroit, the other South Detroit. Some of the old records read like a page of Froissart and visions of medieval scenes and pictures of savage life are strangely intermingled with the records of the past. Cradled in romance, nurtured in war and trained in the school of conservatism, the city now glories in her position as the most attractive and most substantial of all the cities whose traditions reach back to the grand monarch—Louis XIV.

The early colonists called all the waters between Lake Erie and Lake Huron the Detroit, and Cadillac was shrewd enough to lay claim to the whole extent of it for himself.

Detroit lies in latitude 42 19′ 50.28″ north, and longitude 83′ 2′ 47.63″ west of Greenwich. Rome and Constantinople are in nearly the same latitude, and Havana and Calcutta are longitudinally in the same range. On an air line it is about 1000 miles northeast of New Orleans and 700 west of New York. The first newspaper published in Detroit was as late as 25th July, 1817. The Michigan Essay was issued in 1809, but only one number of it appeared. Canada's first paper being sixty-one years before this.

WINDSOR

Has become a suburb of Detroit, and in its make-up partakes largely of the latter and comes in for all the advantages attaching to the larger city, both in a business and residential way. It was laid out in 1834, and I can remember my schoolmaster, the Rev. Mr. Johnson, father of the Rev. Canon Johnson now of Windsor, saying at the time that a cabbage would not grow under an oak; but could he see it now, he would find that the cabbage had attained very fair proportions, and is now far ahead of what the oak was then. Windsor is about to erect county and city buildings jointly with the county as we have done, and I have no doubt they will be creditable to both, though I doubt their succeeding in having the court house and other public buildings withdrawn from Sandwich. The fine system of electric street railway between the two places has wholly overcome the inconvenience of earlier days; and it ought to be repeated here that Windsor had the first electric street car in America.

I would just like to stop here and exclaim: How sensible a boundary! How natural a one! And how much better than the Ohio on the south and the Mississippi on the west! How fraught with conflict would *that* boundary have been! True, we lost what makes the five States of Michigan, Ohio, Indiana, Illinois and Wisconsin, but better that than the renewal of the warfare of 1776–83 and all its attendant evils. Canada has territory enough for all purposes. I have never been of those who grieved at the loss of this great territory. There is no doubt that the possession of our fine peninsula between the Detroit and Niagara Rivers, if, indeed, not the whole of Canada, was the chief object of the wanton war of 1812–15, but it failed; and if within that short interval of peace our cousins on the south could become so aggressive north of the line, what would they have been if the western posts and territories had been retained? In the one case they had no excuse, in the other they would have had many plausable and potent ones. We have reached our Alabama and let us be forever content.

Dr. Kingsford shews, too, that had the offer of our commissioner, Mr. Oswald, on that occasion been accepted, we should have lost a large portion of what is now Ontario, but for some inexplicable reason the American commissioners did not accept it.

I am glad to say that Dr. Kingsford takes the same view of the boundary, and says: "One of the wisest provisions in the Treaty of Versailles was the establishment of the boundary where it is, and that this decision was formed, I consider, is in no small degree attributable to the unfortunate expedition of Hamilton."

This expedition, I may say, is referred to by Chief Justice Campbell, in his political history of Michigan, in the following remarkable way: "Major De Peyster, of Mackinaw, sent out in spring of 1779 a second expedition to join Hamilton in Illinois, but his capture foiled it and that country remained in American hands thereafter. *Had it not been for this the boundary might have been fixed at the Ohio instead of the lakes.*"

Again, what a boundary it is! Look at its commerce, averaging during the seven months of navigation a vessel passing every 2½ minutes and exceeding the vast commerce of the Suez Canal, with its full season of twelve months, and all Europe and Asia as its patrons, by five millions of tons. Then look at our grand system of canals, beginning at the Sault, opened in June last, and ending with the Lachine at Montreal, and who will say it is not the grandest water-way in the world? And we, the five millions of Canadians, the possessors of it! Let us, indeed, be content.

ROCKS TO BE AVOIDED.

The United States may envy us. Don't let us envy them. They may covet us, don't let us covet them. Let us recall the heroic sacrifice of our forefathers in seeking the forests and frosts and savages of Canada, rather than dwell amongst a disloyal and rebellous people, although their own kith and kin, at the loss of beautiful homes and fine estates. Contentment is great riches. Better fidelity to country than covetousness of the uncertain riches of the Great Republic.

In the past year on the simple political question of *tariff* we have seen them shrink and disappear by thousands of millions—a loss, it was said, in six months of one thousand millions of dollars.

Then recall the awful conflict of the nation in 1861–5, surpassing that ever witnessed in the world and estimated by their ablest statician, Hon. David A. Wells, to have cost the nation one million of men and a loss of *ten thousand millions of dollars.* Now, that was for *slavery* and the root of the slave question was the *tariff*, and the tariff is still largely in evidence as the battle cry at the next election, and have they not now the seven and a half millions of Africans in another form, and how is this negro question to be settled? Peaceably or by another revolution? But look at the "silver question," which twenty-five years ago was not heard of, and see if it does not promise to be as disintegrating a force as that of slavery? Then it was the south, now it is the south and west, and with a project that involves the loss of millions and thousands of millions to the working classes and all others depending upon salaries and pensions. Again, look at the question of divorce! What a shock has been given the nation by the laxity of the marriage tie and the operations of the divorce courts—forty-five separate States presumably with a separate divorce law in each one, as is the case with their criminal law, and it is said with an aggregate last year of 40,000 divorces. Within twenty years, up to 1886, there were 338,766 divorces and if we judge by last years report those astounding figures may have been *doubled* in the past nine years, while in all Canada, in twenty-five years, there have only been 203. If marriage be the high estate assigned it by God's law, then, surely, there has been a great wave of immorality through the Republic, directly affecting more than a million of households and more than five million of persons of all ranks and classes. No doubt we of Canada owe our condition largely to our Roman Catholic friends, and I have long felt that the United States would be deeply indebted to this branch of the Christian Church for the resistance offered by it to the great tidal wave of divorce that has deluged the Union.

Then look at the foreign nationalities, then at the leprosy of universal suffrage and an elective judiciary and all other officials in connection with the administration of justice. We don't want unity with a people having such alarming problems menacing their national integrity. Besides we have unity with a greater power. They have a United States of seventy millions. We have a United States of

THREE HUNDRED AND SEVENTY MILLIONS.

Old England is the first in order, with Ireland, Scotland, Wales, Australia, India, South Africa, the Isles of the Seas—and the seas themselves auxiliaries—while we in Canada have half this continent at our back with all its vast resources and a territory in the Mackenzie basin larger than Australia, and equal, as Professor Seeley says, to the support of a thousand millions of population, and, to-day, acknowledged to be the great military highway between this group of Empires.

I here subjoin a list of England's possessions, giving her one-fifth the territory of the earth and one-quarter its entire population. (See appendix.)

The Americans have never appreciated the vigor of mind or body of the Canadians, and have regarded us as a young and an immature group of colonists. They have forgotten that we are of the same stock and to-day the Greater Britain. But while they have been dissevered from England and her high standards of life, we have been in the closest relationship and drawing from it the highest inspiration of which a young nationality is susceptible. I'll give one striking instance of this inability of the Americans to understand us as colonists, even with their first statesmen. General Cass, who, in his distinguished career, was twice Secretary of State and once the Democratic candidate for the Presidency in 1848, and with whom I enjoyed friendly social relations, said to me in 1854: "Tell me what that great trunk railway is of what I hear so much." I explained to him that it was intended to run from Quebec to Sandwich, and as a trunk road to have other roads leading into it. His reply was: "Too great an undertaking for a young country. It cannot succeed." Before 1859 he saw that road not only constructed through the whole of Canada, but across the boundary line at Port Huron and run down seventy miles past his own door, in the City of Detroit, to a point westward, and in that year saw the mails from Chicago received by a Canadian train and drawn to Quebec and then dispatched to Europe by a Canadian steamer. Our progress to-day with five millions is far in advance of what theirs was in 1865 with thirty-five millions; for the New York Herald then admitted that without the aid of British capital and

British enterprise, they would be unable to build their Union Pacific Railway of 1700 miles, from Omaha to the Pacific. Contrast this with what Canada has done in the Canadian Pacific Railway, with its straight line from ocean to ocean of 3385 miles, and a total of 7166 miles, with the Grand Trunk and its 5000 miles, besides other roads.

No portion of the Government money that went to make the 1700 miles has been repaid and not even the interest paid, while we have the Canadian Pacific Railway borrowing twenty millions from our Government and returning it within two years; and we have the additional fact that even before the depression of 1893 there were 140 American railways in the hands of receivers.

We lie side by side for 4000 miles, not always with the natural boundary that we enjoy in our beautiful Detroit River and the lakes, but much of it an artificial one, even coming down to the chain and post, and let us in a spirit of self-reliance, and self-appreciation and friendly competition incite each other to a higher standard of civilization in Government, liberty, morals, religion and justice; developing on the one hand the excellencies of an aristocratic Republic and on the other those of a democratic Monarchy.

Hear what Dr. Bourinot, our great constitutional author, himself a French Canadian, has to say in the May number of the Forum:

"So long as Canada adheres to existing principles of sound government and is not misled by unsafe political agitators—to be found in every country—to adopt the dangerous methods of party in the Republican States, her people may continue to have confidence in the future of their Federal Union. At present, assuredly, they can see no reason for a political union, in such weaknesses and evils of the purely democratic system of their neighbors, as have been set forth in this paper with much brevity. When Canadians are invited, even on the floor of Congress itself, 'to cast in their lot with their own continent,' and are assured, 'that they shall have all that the continent can give,' they refuse to consider the offer seriously, not because they have no interest in the progress of their American cousins, who are also the inheritors of English institutions, but because they know they are working out those institutions on principles far more conducive to the pure and effective administration of public affairs—that in this respect, at all events, they are already in advance of a great and prosperous people who have been led in the course of years, by reckless politicians into methods of government which have lowered the standard of public morality and created scandals of far-reaching influence on the nation.

"Canadians have higher aspirations at this critical period of their political development, when they are laboring amid many difficulties to form a new power on this continent, *one-half of which they now possess as their territorial domain.*"

CHAPTER XII.

THE WAR OF 1812.

"*Arma Virumque Cano.*"

WE cannot at a more suitable moment refer to the War of 1812–15 than when speaking of these incidents.

I do not purpose to do more than give some prominent events in this section of the Province, as illustrating the loyalty of our people and with what limited means a brave and loyal people could accomplish such striking results against an enemy having a hundred-fold greater resources.

On the 18th of June, 1812, the unprovoked declaration of war was issued by Congress against Great Britain, and our frontier received the first shock of the conflict.

General Hull, with some 2300 men, crossed from Detroit on the 7th of July, to a point where Windsor now stands and took possession of Sandwich, and issued his celebrated proclamation, which I subjoin to show what insolent nonsense this Governor of Michigan and commander of the army of the west could talk:

HULL'S PROCLAMATION—INHABITANTS OF CANADA.

After thirty years of peace and prosperity, the United States have been driven to arms. The injuries and aggressions, the insults and indignities of Great Britain, have once more left them no alternative but manly resistance or unconditional submission.

The army under my command has *invaded your country*, and the standard of Union now waves over the territory of Canada. To the peaceable, unoffending inhabitant, it brings neither danger nor difficulty. I come to find enemies, not to make them. I come to protect, not to injure you.

Separated by an immense ocean, and an extensive wilderness, from Great Britain, you have no participations in her councils, no interest in her conduct; you have felt her tyranny, you have seen her injustice; but I do not ask you to avenge the one or redress the other. The United States are sufficiently powerful to afford you every security consistent with their rights and your expectations. I tender you the invaluable blessings of civil, political and religious liberty, and their necessary result, individual and general prosperity; that liberty which gave decision to our councils and energy to our conduct, in a struggle for indepen-

dence, and which conducted us safely and triumphantly through the stormy period of the revolution; that liberty which has raised us to an elevated rank among the nations of the world, and which as afforded us a greater measure of peace and security of wealth and improvement, than ever fell to the lot of any country.

In the name of my country, and by the authority of Government I promise you protection to your persons, property and rights. Remain at your homes; pursue your peaceful and customary avocations; raise not your hands against your brethren. Many of your fathers fought for the freedom and independence we now enjoy. Being children, therefore, of the same family with us, and heirs to the same heritage, the arrival of an army of friends must be hailed by you with a cordial welcome. You will be emancipated from tyranny and oppression, and restored to the dignified station of freemen. Had I any doubt of eventual success, I might ask your assistance, but I do not. I come prepared for every contingency. I have a force which will look down all opposition, and that force is but the vanguard of a much greater. If, contrary to your own interests and the just expectations of my country, you should take part in the approaching contest you will be considered and treated as enemies, and the horrors and calamities of war will stalk before you. If the barbarous and savage policy of Great Britain be pursued, and the savage let loose to murder our citizens and butcher our women and children, this war will be a war of extermination. The first stroke of the tomahawk, the first attempt with the scalping-knife, will be the signal of one indiscriminate scene of desolation! *No white man found fighting by the side of an Indian will be taken prisoner; instant destruction will be his lot.* If the dictates of reason, duty, justice and humanity cannot prevent the employment of a force which respects no rights and knows no wrong, it will be prevented by a severe and relentless system of retaliation. I doubt not your courage aud firmness; I will (not) doubt your attachment to liberty. If you tender your services voluntarily, they will be accepted readily. The United States offer you peace, liberty and security; your choice lies between these and war, slavery and destruction. Choose then, but choose wisely; and may He, who knows the justice of our cause and who holds in his hand the fate of nations, guide you to a result the most compatible with your rights and interest, your peace and happiness.

Headquarters, Sandwich, July 8th, 1812.

W. HULL,

By the General A. P. Hull,

Captain of the 13th U. S. Regt. of Infantry and Aide-de-Camp.

After a fruitless attempt to capture the garrison at Amherstburgh, which consisted then of about 200 men of the First Battalion of the 41st Regiment; a very weak detachment of the Royal Newfoundland Fencibles, and a subaltern's command of artillery, and in which the first British blood of the war was shed, he withdrew on the 7th of August, and recrossed the Detroit River and re-occupied Detroit.

On the 22nd of July, 1812, General Brock issued the following proclamation, which it gives me great pleasure to present to my readers as a most patriotic and defiant response to the bombastic one of the American General:

GENERAL BROCK'S PROCLAMATION.

The unprovoked declaration of war, by the United States of America, against the United Kingdom of Great Britain and Ireland and its dependencies, has been followed by the actual invasion of this Province, in a remote frontier of the Western District, by a detachment of the armed forces of the United States. The officer commanding that detachment has thought proper to invite His Majesty's subjects, not merely to a quiet and unresisting submission, but insults them with a call to seek voluntarily the protection of his Government. Without condescending to repeat the illiberal epithets bestowed in this appeal of the American commander to the people of Upper Canada, on the administration of His Majesty, every inhabitant of the Province is desired to seek the confutation of such indecent slander, in the review of his own particular circumstances. Where is the Canadian subject who can truly affirm to himself that he has been injured by the Government in his person, his liberty, or his property? Where is to be found in any part of the world a growth so rapid in wealth and prosperity as this colony exhibits? Settled not thirty years, by a band of veterans, exiled from their former possessions on account of their loyalty, not a descendant of these brave people is to be found, who, under the fostering liberality of their Sovereign has not acquired a property and means of enjoyment superior to what were possessed by their ancestors. This unequalled prosperity could not have been attained by the utmost liberality of the Government, or the persevering industry of the people, had not the maritime power of the mother country secured to its colonies a safe access to every market where the produce of their labor was in demand.

The unavoidable and immediate consequence of a separation from Great Britain, must be the loss of this inestimable advantage; and what is offered you in exchange? to become a territory of the United States, and share with them that exclusion from the ocean which the policy of their present government enforces.

You are not even flattered with a participation of their boasted independence, and it is but too obvious, that once exchanged from the powerful protection of the United Kingdom, you must be re-annexed to the Dominion of France, from which the Provinces of Canada were wrested by the arms of Great Britain, at a vast expense of blood and treasure, from no other motive but to relieve her ungrateful children from the oppression of a cruel neighbor; this restitution of Canada to the Empire of France, was the stipulated reward for the aid afforded to the revolted colonies, now the United States; the debt is still due, and there can be no doubt but the pledge has been renewed as a consideration for commercial advantages, or rather for an expected relaxation in the tyranny of France over the commercial world. Are you prepared, inhabitants of Upper Canada, to become willing subjects, or rather slaves, to the despot who rules the nations of Europe with a rod of iron? If not, arise in a body, exert your energies, co-operate cordially with the King's regular forces to repel the invader, and do not give the cause to your children, when groaning under the oppression of a foreign master to reproach you with having too easily parted with the richest inheritance of this earth—a participation in the name, character and freedom of Britons.

The same spirit of justice, which will make every reasonable allowance for the unsuccessful efforts of zeal and loyalty, will not fail to punish the defalcation of principle; every Canadian freeholder is, by deliberate choice, bound by the most solemn oaths to defend the monarchy as well as his own property; to shrink from that engagement is a treason not to be forgiven; let no man suppose that if in this unexpected struggle, His Majesty's arms should be compelled to yield to an overwhelming force, that the Province will be eventually abandoned; the endeared relations of its first settlers, the intrinsic value of its commerce, and the pretensions of its powerful rival to re-possess the Canadas, are pledges that no peace will be established between the United States and Great Britain and Ireland, of which the restoration of these Provinces does not make the most prominent condition.

Be not dismayed at the unjustifiable threat of the commander of the enemy's forces, to refuse quarter should an Indian appear in the ranks. The brave bands of natives which inhabit this colony were, like His Majesty's subjects, punished for their zeal and fidelity, by the loss of their possessions in the late colonies, and reward by His Majesty with lands of superior value in this Province; the faith of the British Government has never yet been violated, they feel that the soil that they inherit is to them and their posterity protected from the base arts so frequently devised to over-reach their simplicity. By what new principle are they

to be prevented from defending their property? If their warfare, from being different from that of the white people, is more terrific to the enemy let him retrace his steps—they seek him not—and cannot expect to find women and children in an invading army; but they are men and have equal rights with all other men to defend themselves and their property when invaded, more especially when they find in the enemy's a ferocious and mortal foe, using the warfare which the American commander affects to reprobate. This inconsistent and unjustifiable threat of refusing quarter for such a cause as being found in arms which a brother sufferer in defence of invaded rights, must be exercised with a certain assurance of retaliation, not only in the limited operations of war in this part of the King's dominions, but in every quarter of the globe, for the national character of Britain is not less distinguished for humanity than strict retributive justice which will consider the execution of his inhuman threats as deliberative murder, for which every subject of the offending power must make expiation.

ISAAC BROCK,
Maj. Gen. and President.

Headquarters, Fort George, 22nd July, 1812.

By order of His Honor the President,

J. B. Glegg, Captain, A. D. C.

Meanwhile General Brock, then at York, Toronto, fully sensible of the danger of Amherstburg, threatened as he knew it to be, by an overwhelming force, lost no time in repairing to its assistance. The General himself embarked on the 5th of August for Fort George and Long Point, where he had directed the militia and the Indians to be collected, and leaving Long Point on the 8th with no other force than forty men of the 41st, who had been previously despatched thither, and about two hundred and fifty militia, principally volunteers from the Home and Niagara Districts, the General coasted the shore of Lake Erie, on his way to Amherstburg, which he reached on the 13th.

On the 12th of August we find him at a point in our own County, Point Aux Pins (Rond Eau) where he issued this order:

I. McDONELL, P. A. D. C.,
Point Aux Pins,
Lake Erie, August 12th, 1812.

GENERAL ORDERS:

It is Major General Brock's intention, should the wind continue fair, to proceed during the night. Officers commanding boats will therefore pay attention to the order of sailing as

directed yesterday. The greatest care and attention will be requested to prevent the boats from scattering or falling behind.

A great part of the bank of the Lake where the boats will this day pass is much more dangerous and difficult of access than we have passed, the boat (i. e., the one in which was headquarters and leading) therefore will not land, excepting in the most extreme necessity, and then great care must be taken to choose the best places for landing.

The troops being now in the neighborhood of the enemy, every precaution must be taken to guard against surprise.

By Order of the Major General.

J. B. CLEGG, A. D. C.

The General reached Amherstburg the next day, and at once began to carry the war into Africa, by undertaking and on the 16th accomplishing, the capture of Detroit and the surrender of General Hull, his entire army of some 3,000, and the State of Michigan, which continued in our possession for some fifteen months, while the General was carried to Montreal as a prisoner of war. The British had various successes with the enemy in Michigan and Ohio during that year and the following. On the 23rd of September, 1813, the unfortunate naval battle between Captain Barclay, of our service, and Commodore Perry, of the United States, took place at Put-in-Bay, Lake Erie, the result of which was to compel the retreat of General Proctor from Amherstburg, and Detroit which was effected in the last week of September, it being intended to make Moraviantown the point at which battle would be given the enemy, should he follow, which he did with a force of some 5,000, including his celebrated Kentucky riflemen.

It was on the 3rd of October that the Indians, under Tecumseh, rested in what is now our beautiful Park, and where the Indians expected and desired that the impending battle would take place. We all know the disastrous result of it, and with it ended all further operations on the Western frontier.

The invasions of the Americans into both Upper and Lower Canada were eleven in number, with an aggregate of some 45,000 men, but as Detroit, Queenston, Fort Toronto, Fort George, Chrysler's Farm, Chataqua, Lundy's Lane, Stony Creek, are recalled, we see without any gain, but on the contrary defeated and driven back with great loss. On England's getting free after landing Bonaparte at Elba, and being able to help us in earnest, the Americans were forced to sue for peace and to get it without having gained a foot of Canadian territory, nor one of the alleged grounds on which they pretended to go to war, viz., right of search of foreign vessels by Britain for her own subjects as deserters from

her navy, the neutrality of their flag, etc. I am chiefly indebted to Major Richardson's War of 1812 for these particulars, in which he personally participated, and an account of the invasion at Sandwich written by father, whom with the Hon. Mr. Baby and Dr. Richardson were held in Detroit as prisoners of war. This was a great triumph for the Provinces, when we consider the relative populations of the two countries. At that time Lower Canada had 225,000 souls—200,000 of whom were French; Upper Canada had 75,000. The United States had upwards of 8,000,000; so that the population of the two Canadas was to that of the United States as 1 to 27; and the population of Upper Canada was to that of the States as 1 to 106.

Dr. Ryerson says: "The war between Great Britain and the United States from 1812 to 1815 furnishes the strongest example of the present century, or of any age or country, of the attachment of a people to their mother country, and of their determination, at whatever sacrifice and against whatever disparity, to maintain the national life of their connection with it. The true spirit of *the Loyalists of America* was never exhibited with greater force and brilliancy than during the war 1812-5."

Let us now hear Christie, in his fine history of the war of 1812, speak: "No country or people ever exhibited greater unanimity or patriotism than did the people of Lower Canada of both origins, in the war of 1812, by the United States against Great Britain—a stand the more to be remembered by her Government as these colonies, almost destitute of troops, wholly so of money, and scarcely possessing even a sufficiency of arms and other munitions of defence, owing to the more imperious calls from other quarters upon the Home Government, were, at the outset of the war, in a manner left to their own action and resources, and which they nobly exemplified single-handed, as it were, throughout the first two campaigns."

General Brock says that their avowed purpose was the conquest of Canada. Of this there is no doubt. General Cass, who was with Hull at Sandwich, in his impeachment of his general officer, says under date of the 10th September, 1812: "When the force landed in Canada, they landed with an ardent zeal, and stimulated with the hope of conquest." The general in speaking thus was but giving the traditional hope and purpose of Congress from 1775, when the Congress sent Montgomery and Arnold to accomplish the capture of Quebec and Canada. Again, when Dr. Franklin and his associates sought to induce the English Government to surrender all Canada at the Treaty of Versailles to the United States, and did seduce that Government into surrendering the vast territory from the Detroit River to the Ohio on the south, and the Mississippi on the west, although the States had

not the least claim to any part of it. As in 1775 and as in 1783, as in 1812 and as in 1837, and again with the Fenian raids in 1886, so now the hearts' wish of the politicians and capitalists of the United States is the possession of Canada, so that the American Eagle may fly from the Gulf to the Arctic.

THE REBELLION OF 1837-8.

Although having taken an active part in this as a young volunteer in maintenance of British supremacy, and particularly in the cutting out of the Steamer Caroline, which nearly led to a war between England and the United States, I don't intend to say more than that without the aid of a single soldier of the regular army, we put down that mad attempt in a few weeks. I am further able to say that in no portion of the Western District, large as it was, embracing what is now the three Counties of Essex, Kent and Lambton, was one rebel or disaffected man found within its borders. How is that for Kent's traditional loyalty? Apropos of this loyalty, I have before me in the Canadian Archives, reference to a letter from Governor Gore to the Hon. James Baby, who was County Lieutenant of Kent, of December, 1809, speaking of the loyalty of the men of Kent, and saying that should further reinforcements be made to the garrison at Detroit, one-fourth of the militia should be called out and the Government will direct Lieutenant Colonel Grant to receive them into the garrison at Amherstburg.

CHAPTER XIII.

EDUCATION AND THE CHURCH.

AND now for our educational system which has reached such grand proportions and results, "the evolution, if it may be so called," says Dr. Hodgins, "of our three fold scheme of education—primary, intermediate and superior."

In answer to his own question, what first awakened the desire to establish schools and promote education in this Province? Dr. Strachan in his opening address at the opening of the King's College, (now Toronto University) in 1843, answers the question thus: "When the Independence of the United States of America was recognized by Great Britain in the peace of 1788, this Province became the asylum of those faithful subjects of the Crown who had during the Revolutionary war adhered to their King and the "Unity of the Empire. And it is pleasing to remark that in 1789—a little more than five years after their first settlement—they presented a memorial to His Excellency Lord Dorchester (Sir Guy Carleton) their Governor General of British North America, on the subject of education; in which after lamenting the state of their children growing up without any instruction, religious or secular, they requested His Lordship to establish a respectable seminary at Kingston, which was at that early period the principal town in their division of the colony. To this representation Lord Dorchester paid immediate attention, and gave directions to the Surveyor General to set apart eligible portions of land for the future support of schools in all the new settlements.

"Animated by the same spirit as possessed these early colonists, the United Empire Loyalists established schools of a superior class early in the century in the chief centres of their settlements, such as Kingston, Cornwall, Bath, York, St. Catharines, and afterwards at Newburgh. Soon a grammar school was established in every District, 1807, and ultimately the common school, 1816, fashioned by the United Empire Loyalists on the New England pattern, was put into operation in every settled township of this Province.

"Thus it will be seen that through the United Empire Loyalists and their English forefathers, we, as a Province have

come honestly and honorably by our zeal for education in this Canada of ours."

The munificent Royal grant in 1797 of over half a million of acres of land has formed the financial basis of Toronto University, of the Royal Grammar School, and Upper Canada College, and of the (Church of England National) Central School of Upper Canada.

I attended the Grammar School of Sandwich, which when first erected was a large building of limestone, a central building situated on one of Surveyor General Smith's fine reservations in the town overlooking the Detroit River and which must have been erected as early as 1814.

Dr. Hodgins reports that after the close of the Session of 1806, His Honor President Grant in proroguing the Session in March, 1806, in his speech said:

"The encouragement which you have given for the procuring of the means necessary for communicating of useful and ornamental knowledge to the rising generation meets with my approbation, and I have no doubt will produce the most salutary effects."

Dr. Scadding, in his Toronto of old, says: "The Parliament that sat during President Grant's brief administration appropriated £400 to the purchase of instruments for illustrating the principles of natural prilosophy, to be deposited in the hands of a person employed in the education of youth."

This President Grant is the commodore who, on the death of His Excellency Lieut.-Governor Hunter, in September, 1805, became as Senior Legislative Councillor President of Upper Canada and Administrator of the Government.

We are indebted to the celebrated Robert Gourlay for the information given of our schools in the towns and townships of Upper Canada. He says:

"Sandwich.—There is one school in Sandwich with one master, who draws a salary from the Provincial fund of £100 per annum, besides tuition fees. There are two inferior schools the teachers of which receive from the same fund £25 per annum, beside moderate fees.

"Malden.—There were three schools here and the rate per quarter is 20s.

"Raleigh.—There is one common school, the teacher of which receives 15s. for each scholar, and the Legislature by a late Act, 1816, grants the teacher of each common school in the Province a further sum of £25 per annum, provided there are taught in the said school at least 20 scholars.

"Dover East and West, Chatham, Camden, Orford, Howard and Harwich.—The inhabitants of these townships at a meeting

reported that there were four schools in the townships and that the rate was 15s. per quarter. In a supplementary statement it was added that there was an Indian school in Orford, kept in English and Indian. No doubt this was the Moravian Church Mission School."

In 1850 the Parliament of United Canada endowed forever the public schools of the then Province of Canada with the rich dowry of one million acres of the Crown Lands.

To-day we have in Kent 131 schools—46 brick, and 70 frame—and 175 teachers, outside the city; while in the city we have the Collegiate Institute and six other schools, apart from separate schools, with 29 teachers—4 of whom are male and 25 female—and an estimated expenditure for the year of $17,350 $10,600 of which is for teachers' salaries.

Prominent in this good work has been my friend Judge Bell, who for nine years has been the active promoter of the school work and chairman of the Collegiate Institute Board. As the young domine in the country school room, he early learned to appreciate the formative power of education as an elevating and inspiring force in a new country and illustrates its potency in his own life and honorable position to-day, and he points with pride to some of his pupils even within the walls of Harrison Hall, Mr. J. C. Fleming, Clerk, and City Treasurer Fleming, and to our esteemed fellow citizens, Dr. Fleming, Mr. S. F. Gardiner, and his brother, as among others.

How honored and honorable should be the teacher of youth! Who can estimate the debt that Ontario owes to the public schools and the Rev. Dr. Ryerson, and his able and faithful assistant, Dr. John George Hodgins, and the great army of teachers who have aided in the faithful administration of the system? What great forces have the church and the school been in our history; and may they continue to go hand to hand, for civilization without the elevating and controling influences of religion, is a false and unsound progress. Let our cry be forward and upward. Don't let us fight over separate schools, or oppress the conscience of any portion of our fellow subjects. Let us rest our education upon a Christian basis and leave the issue with God, the great Disposer of all human events.

THE CHURCH.

Progressive as has been the question of Education, that of the Church has not been behind.

The Roman Catholic clergy of course were the first (as they have been everywhere) to occupy the ground at both ends of Canada.

In Quebec and Montreal there were in 1793 but six clergymen of the Church of England, including the military chaplains; but in neither of these had the Protestants a church. In Quebec the Recollect Church was used, and in Montreal the Ursuline Nuns granted them the use of their chapel. In Upper Canada there were but three clergymen.

Kingsford states an interesting incident in connection with the arrival of Bishop Mountain at Quebec in 1793, as the first Anglican Bishop. On being met by the Roman Catholic Bishop, Monsignieur Briand, the latter welcomed him on his arrival and gave him a kiss on each cheek, saying it was time he had come to take charge of his people.

Oh, that such were the relation to-day between the Bishops and Clergy of these churchas as well as all others.

Hon. Richard Cartwright in his report to the House in its first Session, says, "Although the two lower districts have had each of them a Protestant clergyman since 1786, it is but a few months since this (Nassau or Home) District has been provided with one; and the Western District in which the settlement of Detroit is included, is to this day destitute of that useful and respectable order of men, yet the Town of Detroit is and has been since the conquest, inhabited for the most part by traders of the Protestant religion, who reside there with their families.

"In the Eastern District the most populous part of this Province there is no church clergyman. They have a Presbyterian minister, formerly chaplain to the 84th Regiment, who receives from the Government £50 per annum. They have also a Lutheran minister, who is supported by his congregation, and the reverend priest at St. Regis occasionally officiates for the Scotch Highlanders, who are very numerous and all Catholics.

"In the Midland District there are two church clergymen who are allowed £100 sterling per annum each by the Government, and £50 each by the Society for the Propagation of the Gospel.

In the Home District there is one clergyman who has been settled there since the month of July last. The Scotch Presbyterians, who are pretty numerous here and to which sect the most respectable part of the inhabitants belong, have built a meeting house and raised a subscription for a minister of their own who is shortly expected among them.

In the Western Division there are no other clergy than those of the Church of Rome.

Dr. Ryerson, quoting Bishop Strachan, says: "That down to the close of the war of 1812–15 there were but four resident clergymen, or missionaries of the Church of England in all Upper Canada, and that till 1818 there was but one clergyman of the Church of Scotland in Upper Canada, and that in 1827 there

were but two, and the doctor fairly says that it is clear that during the first half of its sixty years' existence, Upper Canada must have been indebted almost entirely to others than clergymen of the Churches of England or Scotland for religious instruction. Yet during that thirty years it is admitted that the people of Upper Canada were a religious, an intelligent and loyal people. The Methodists, he adds, had in 1850 180 regular ministers in Upper Canada, about 1,100 churches and preaching places, and embraced in its congregation 142,000, or more than one-fifth of the entire population."

The first centennial of the Church of England was held at St. Mark's, Niagara, in July, 1892, commemorating the organization of that church, but Miss Machar in her brochure upon "St. Andrew's Church, Niagara," says St. Andrew's was the second Protestant church in Upper Canada, the first being that below Williamstown, below Cornwall, 1787, just seven years earlier than St. Andrews; she adds, I have shown indisputably that while the first organized body of worshippers in Niagara was that of the English Church, under its first missionary, the subsequent rector, the Rev. Robert Addison, the first church erection was that of St. Andrew's.

Kent in this, as in some other things, takes precedence, as the centennial of the Moravian Church in Orford, Moraviantown, took place on the 8th of May, 1892.

St. Peter's Church (R. C.) River Road, was erected in 1803, about three miles below the present site, where the latter was built in 1822.

We are all familiar with the Clergy Reserves and Rectories' questions in Ontario, and the final disposition of them by the Legislature of united Canada in 1854, and their influence upon all branches of the Church; and that to-day all the churches stand upon their own resources and are in no way connected with the State.

As evidence of the remarkable progress of the Church, I give the following table, taken from the Star Almanac for 1895. It will be seen that the Roman Church population largely exceeds that of any other denomination, though the actual preponderance over other sects is confined to the Province of Quebec, where, out of a population of 1,448,335, 1,291,709 return themselves in the census papers as Roman Catholics. The French speaking Canadians in the Province of Quebec in 1891 were 1,186,346, and for the whole Dominion only 1,404,974. Between 1881 and 1891 the percentage of Protestants in the whole Dominion increased from 56.34 to 56.80:

Religions of the People, by Provinces, 1891.

Denomination.	Ontario.	Quebec.	Nova Scotia.	New Brunswick	Manitoba.	British Columbia.	Prince Edward Island.	Northwest Territories.	Canada.
Roman Catholics	358300	1291709	122452	115961	20571	20843	47837	14344	1992017
Church of England	385999	75472	64410	43095	30852	23619	6646	15966	646059
Presbyterians	452712	52659	108520	40530	38977	15260	32988	12547	754193
Reformed Presbyterians	142	12	415	96	20	3	9	11	708
Other Presbyterians	293	2	17	13	4	21	75	.....	425
Methodists	647518	39416	53731	35336	28210	14193	13301	8110	839815
Bible Christians	5889	99	420	159	188	97	294	37	7183
Primitive Methodists	138	4	1	.....	6	.....	.....	11	160
Other Methodists	488	25	43	9	33	8	1	.....	607
Baptists	96969	6854	72731	54960	15829	2960	5749	1397	257449
Baptists, Free-Will	7869	1127	10377	24674	278	130	512	149	45116
Tunkers	1209	10	14	15	5	8	4	9	1274
Brethren	9343	1129	242	234	389	166	.....	134	11637
Lutherans	45029	1385	5882	377	6545	2083	3	2678	63982
Congregational	16879	4296	3112	1036	1815	775	11	233	28157
Disciples	9106	20	1728	1003	261	62	531	52	12763
Adventists	447	3364	1651	715	32	109	22	14	6354
Unitarians	776	554	115	147	74	79	10	22	1777
Universalists	1004	1426	326	259	5	45	24	7	3186
Protestants	2938	2342	47	22	1874	286	9	4735	12253
Salvation Army	10320	297	1377	993	399	298	180	85	13949
Quakers	4350	38	41	17	124	38	8	34	4650
Jews	2501	2703	31	73	743	277	1	85	6414
Other denominations	29934	710	482	376	448	597	620	589	33756
Not specified	24078	2882	2231	1163	4824	16216	243	37718	89355
Totals	2114321	1488535	450396	321263	152506	98173	109078	98967	4833239

A summary of the various sections shows the following result,—the growth of the Jewish population between 1881 and 1891 being an interesting factor:

Year.	Number.				Proportions per cent.			
	Roman Catholics.	Protestants.	Jews	Pagans and not specified.	Roman Catholics.	Protestants.	Jews	Pagans and not specified.
1881..	1791982	2436544	2393	98881	41.43	56.34	.06	2.17
1891..	1992017	2745453	6414	89335	41.21	56.80	.13	1.85

CHAPTER XIV.

AGRICULTURE.

AS Sir David Smith, our first member, was the Vice-President of the first Agricultural Society formed in Upper Canada, we must have somewhat to say of this important branch of Ontario's many lines of prosperity, and see whether in this, as in other respects, Canada has held its own, even against the great Republic, and how Kent stands in comparison with her sister counties.

Kent, then, apart from Detroit, was a forest with such oaks, walnuts, hickories, beeches, maples, &c., as were only to be found here. These great forests continued largely with us all the way down into the 50's.

I find nothing about agricultural societies till the Act of March, 1830, 11, George IV., c. 10, an Act to encourage the establishment of Agricultural Societies in the several districts of this Province. It was introduced by Mr. Charles Fothergill, the publisher of Toronto's Almanac and the Palladium newspaper, and from it may be dated the first effectual impulse that was given to the holding of fairs and public markets for cattle, etc., in the country situations throughout the Province.

It provided that when any agricultural society for the purpose of importing valuable live stock, grain, grass seeds, useful implements, or whatever else might conduce to the improvement of agriculture in the Province, shall be established in any district and shall have subscribed and paid in £50 to a regularly appointed treasurer and the president and directors shall petition the governor for aid in support of the said society, the governor may issue his warrant for £100 annually during the continuance of the said society.

I find that Kent had her society as early as 1837, first in the Township of Howard and next in the Town of Chatham.

In a letter written by the late Wm. Thomson, Councillor for Harwich, in May, 1842, inquiring as to the funds of the society, we learn that in 1837 associations were instituted all over the Province for the purpose of improving the breed of cattle, horses, sheep, hogs, etc., and amongst the rest an agricultural society had been formed in Chatham for which a grant of £40 was obtained

from the government which sum, together with the subscription raised amounted to £90.

In reply to this inquiry we find a letter from the late Thos. Smith, of the 26th of May, saying that he had on the 17th of October, 1837, paid into the hands of Wm. Cosgrave, Esq., the then Secretary of the Agricultural Society of Chatham, £85.

Kent is referred to by the Directing President of the Agricultural Society as having two associations in 1837, viz., Howard and Chatham.

Then there was the society known as the Western District Agricultural Society, which also seems to have had no want of funds, for the President acknowledges having £157 ($628) on hand, although he complains that so little interest or spirit of competition is taken in the association that the whole amount of the premiums fall short of £20, leaving a balance in treasurer's hands of £125 7s.

It, no doubt, was owing to the disturbed state of the Province, from the Rebellion of December, 1837–8, that nothing was done for some years. Nothing seems to have been done up to the time of Mr. Thomson's letter.

We find in the Chatham Journal which had been established, as the first newspaper in Kent in 1841, that the first fair held in Chatham was first October, 1842. And an advertisement of December, 1842 gives a list of premiums to be given at the cattle show and fair to be held in Chatham on the last Friday in January, 1843.

An editorial in the Journal of 28th January, 1843, says "The establishment of fairs in this town has been recommended by a Committee of the Executive Council and approved by His Excellency the Governor General, so their occurrence in future will be neither precarious nor doubtful. We beg to direct the attention of the public to the following extract from a report of the committee, dated 23rd December, 1842.

"'On the application of Geo. W. Foott, that fairs for the sale of all kinds of cattle may be held quarterly in the Town of Chatham, viz., on the 22nd October, January, April and July, the committee recommend the application.

'Certified.

'(Sg'd) W. H. LEE.'"

The subscription was $1 to each member.

The Chatham Journal of 4th February, 1843, says: "At a meeting held 27th January, 1843 at the British Hotel, Chatham, for the purpose of organizing an Agricultural Society in the County of Kent, the following resolutions were unanimously adopted. Mr. Joseph Smith in the chair:

"1. Resolved, that Mr. Joseph Smith, of Talbot Street, be President of the Society.

"2. That the Society be called the County of Kent Agricultural Society.

"3. That Dr. Fulford be appointed Treasurer and receive subscriptions.

"4. That John Prince, Esq., John Stewart, T. M. Taylor, Charles Eliot and Councillor Crookes, Esq., be Vice Presidents."

I myself remember attending what our friend J. W. Bartlet, P. M. of Windsor, says was the first fair held in Amherstburg, in 1845, and driving my tandem down from Sandwich on the occasion and writing an account of it for the local paper. Mr. James Dougall, who then lived at "Rosebank," in Anderdon, was the chief exhibitor as he was first in almost everything relating to fruits and flowers; and there was also Mr. Robert Reynolds, earlier in point of time than Mr. Dougall, known far and wide as an enthusiastic horticulturist and floriculturist farmer, as well as one of the most cultured and accomplished gentlemen, and closely connected with the early history of the country. His wife was a sister of that honored gentleman, Robert Bouchette, the Surveyor General of Lower Canada, and who, in his Typography of Canada, gives us the first sketch of Toronto which he laid out.

This was the first fair that I remember to have seen in the Western District, though from Major Lachlan's report as President of the Western District Society, there was one held at Sandwich as early as the spring of 1837.

My friend, Mr. James, Deputy-Minister of Agriculture for Ontario, in writing to me says:

"Since receiving your letter some time ago, in regard to agricultural societies in the southwestern part of Ontario, especially in the Chatham vicinity, I have been making several searches but so far have found nothing that would be labelled "historical." The first record I find is in the Agriculture and Acts Report for 1848. The Provincial Exhibition for that year was held at Cobourg, and among the receipts is the following: 'Kent County Agl. Soc., £10.

The first report on record is for 1854:

Bal. from 1853	£ 51	3s.	10d.			
Subscriptions and donations	19					
Township branch	185					
Gov't grant	225					
Premiums at shows and ploughing matches				£120	2s.	6d.
Agriculturist				14	7	6
Tp. branches				319	19	
Total	£480	3s.	10d.	£525	4s.	4d.
				480	3	10
Bal. due Treasurer				£ 45	0s.	6d.

There is one omission in disbursements of £70 15s. 4d.

The following branches were then in existence: Chatham, Harwich, Howard, Orford, Raleigh, Romney, Tilbury East, Zone.

There must have been some societies in existence shortly after 1830. If I can find time I shall make further search and may be able to fill in something in the blank from 1830 to 1848. This blank is but another proof of what I have often stated, viz., that agricultural development has been overlooked by nearly every historian of our country."

Kent is practically an agricultural county and has grown to her present prosperity entirely through her own products for it has not been our good fortune to have had any men of means settling in our midst.

I regret to see from the report of Mr. Walker, the President of the Peninsular Fair Association, of January, 1895, the complaint that, "Owing to the lack of interest taken in spring fairs for a number of years past, and the consequent financial loss to the Society resulting therefrom, it was thought prudent to suspend the holding of it for a time. And, therefore, no spring fair was held last year by the Society."

When in the County Council myself in 1863, as Reeve for Chatham, I got a committee to inquire into the best means of promoting the agricultural interests of the county and found that the county was only giving $20 in aid of them and all I could do was to get this increased to $35. Had the county adopted my view and made that sum $1000, or even $500, what a change would have taken place in the stock-raising and other interests of the county in the next three or four years.

With the Farmers' Institutes, Dairymen's Associations, Creameries' Associations, Poultry Associations, Bee-keepers' and Fruit-growing Associations, Breeders' Associations of all kinds, the encouragement given by the Local and Dominion Governments in their valuable reports and bulletins, and all the other agencies and facilities towards an advanced system of agriculture and breeding, with Kent's unrivalled soil and geographical position, she ought to hold the first place among her sister counties, and I am glad to see by Mr. Walker's report, which, in part, I subjoin, that she does occupy a first position among the six counties of Lambton, Oxford, Perth, Ontario, Lanark and Kent:

Counties.	Area of cleared land in acres.	Value of farm lands	Value of live stock	Bus. of fall wheat raised in '93.	Bus. of spring wheat	Bus. of corn raised	Bus. of beans in '93.	Bus. of roots raised
Kent.....	332581	$23434525	$3415318	1341451	16240	2400906	412000	261193
Lambton	334672	18886706	272137	901898	9463	708566	12745	562600
Oxford	355500	21507881	4082492	1041788	12887	380512	4061	3893194
Perth	387911	20211990	4200756	890908	47789	30856	405	3346872
Ontario	352559	18539785	3906811	124954	372246	87690	2604	7290586
Lanark.....	300263	8438222	2348659	27608	1306892	65272	4166	2232476

Counties.	Bus. of barley	No. of horses	No. of hogs.	No. of cattle.	No. of sheep.	No. of cheese factories	Value of cheese manufac'd	No. of creameries	Am't of chattel mtgs. reg. on Dec. 31, 1893.	Acres under orchard
Kent.....	143008	23777	46040	50281	38922	5	$ 9683		$405188	9065
Lambton ...	178049	18537	22547	62863	60970	13	69186	1	179244	7376
Oxford	238880	20511	38374	75370	29575	43	661366	5	233091	8111
Perth	309000	22355	32053	79440	58821	23	325230	2	101094	5115
Ontario ..	518469	21958	31632	52565	48560	6	21516	2	173142	5909
Lanark.....	51526	12420	19198	53415	64964	34	261518		70401	1198

As we are supreme in the bean product, exceeding that of all the rest of the Dominion put together, we ought to be so on other lines, and as Canada has surpassed the United States in the product of cheese, so Kent should aspire to surpass any portion of the Dominion in the making of cheese and butter for which she is so well adapted. The record of Canada upon the cheese question is a remarkably instructive one, as showing what a young country of five millions can do by a spirit of patriotic competition against one of seventy millions.

In 1860 Canada started to export cheese and sent out 124,322 pounds, while the United States exported 15,515,799, or nearly fifteen and a half millions of pounds more than ourselves. This went on till 1880, when Canada had risen to 84,173,567 pounds, while the States had 88,008,408 pounds. In 1893 Canada had 133,946,365 pounds, and the States only 84,350,923—an excess over the United States of forty-nine millions of pounds with a value of $13,497,470.

LITERARY AND PHILOSOPHICAL.

Besides her Agricultural Society the Western District had its literary, philosophical and agricultural club. I am enabled to give the record of its first meeting at Amherstburgh, in the reading room of that town, on the 15th of July, 1842.

Among those present were: Major Robert Lachlan, Rev. George Cheyne, Hon. James Gordon, Robert Reynolds, Rev. Thomas Earle Welby, Dr. George R. Grassett, Lewis G. Gordon, Wm. Anderton, Henry C. Grant, Rev. F. Mack, Charles Baby, W.

R. Wood, R. Peden, James Dougall, John Wright, Thomas Paxton, Alexander McCormick, Dr. R. Ironside, George Ironside. The following were the office bearers:

Robert Lachlan - - - - - President
Rev. T. E. Welby - - - - Vice President
James Dougall - - - - - Treasurer
R. Peden - Recording and Corresponding Secretary

The Hon. James Gordon,
Rev. F. Mack,
Rev. Geo. Cheyne,
Dr. R. Ironside,
Thomas Paxton,
Wm. Anderton,
Charles Baby,
Henry C. Grant,
} Committee.

These are among the best names of the District. The resolutions were appropriate, practical and far-reaching. I give one of the six.

Moved by the Rev. T. E. Welby, seconded by Dr. Grassett, "That the diversified range of the Society's researches, like the noble scope of the first British literary association established in Asia, shall embrace at once 'man and nature,' or in other words, 'whatever is performed by the one or produced by the other;' and that the only qualification required in a candidate for admission shall be a love of knowledge, and a patriotic desire to forward the prosperity of the Province in general and of the District in particular, by promoting the advancement and diffusion of literary, philosophical and agricultural knowledge."

And as with the above mentioned societies there was also the Western District Medical Society, which held one of its meetings in Chatham on the 7th of June, 1842, at which our old friends, Dr. R. Ironside, Dr. Grassett, Dr. A. Ironside, Dr. A. R. Robertson, Dr. Pegley, Dr. Cross and Dr. Thos. Hawkins were present. Among letters read, one from Dr. Widmer, of Toronto, and Dr. Houghton, of the University of Ann Arbor, expressive of their gratification in joining the society as honorary members, paper on pneumonia, and discussion on scarlatina, and adjournment to Sandwich in November for next meeting.

CHAPTER XV.

RAILWAYS.

AND as with the waterways so with the railway. In December, 1850, when I came to Chatham to live, Ontario had not a mile of railway, and Lower Canada only twenty miles. And in February of that year I went through the peninsula holding public meetings, beginning at Chatham (as I lived then at Sandwich) getting petitions seeking to displace the proposed line of the Great Western as it was chartered and had been surveyed, and substituting for it the Niagara and Detroit Rivers Railway line, which, too, had been chartered, and which is now the line of the Michigan Central; my project being to bring it forward to the towns of Chatham, London, Woodstock, Ingersoll and Brantford, and so to the Niagara River, avoiding the descent to Hamilton, and, again, the ascent of the mountain at Suspension Bridge. During that summer we had a great battle before Parliament, at Toronto, where, for the first time since the Union, Parliament sat. We were too near Hamilton and Dundurn, and Sir Allan's hands, too, well supported for a successful fight, and we lost our bill by *one vote*; and, long after, my friend, the late Chancellor Vankoughnel, told me how he had been the means that night of inducing the member for Cornwall (Mr. McLean) to give his vote against us.

What expectations were defeated by that vote! But it had the desired effect of bringing the railway into existence, for, Mr. afterwards, Sir Francis Hincks, as Finance Minister, gave the Great Western people to understand that if the road were not under way by next session we should have our charter. The work was immediately undertaken and the Great Western was running its cars through Chatham in the fall of 1853, and the road was opened for traffic in January, 1854, the event being made to us memorable by a grand banquet in Detroit, at the Michigan Freight Depot, where, among other good things there were "cords of champagne." It was a great event for Detroit, and was the result of the Michigan Central Railway reaching New Buffalo, on Lake Michigan, in April, 1849, and Chicago in May, 1851. All travel up to this, in the winter, between the Michigan and New York Railways was by stage from Windsor to Queenston, through Chatham.

I remember the Mayor of London, on my asking him to attend the meeting and sign the petition, having so little faith in the step as to say to me: "Why, Mr. Woods, have we not been for fourteen years trying to get a railway from Hamilton to this place;" but he failed to appreciate the great fact that Detroit was in railway communication with the west, and wanted the link between the Detroit and Niagara Rivers, which I promised would be supplied within two years if the Great Western were put aside and we allowed to run over its line, avoiding Hamilton. In speaking in this way I had the Michigan Central at my back. And it is a remarkable fact that the Great Western never recovered itself from the extraordinary expense which attended the descent to Hamilton, and that the item of this appeared in the report at the time of the transfer of the road to the Grand Trunk, twenty years after. It was in connection with this road that the municipalities were first enlisted in aiding a railway. Hamilton being the first and Oxford being the second municipality to act, and the Great Western Company were indebted to my friend and relative, Mr. Jasper Gilkison, now Col. Gilkison, of Brantford, then its secretary, for the suggestion.

What development since then! 15,000 miles of railway now in the Dominion at a cost of $802,062,868. The M. C. R., opened in 1873; E. & H. R., in 1883; the C. P. R., opened in 1889; L. E. & D. R. R., opened to Ridgetown in 1894.

ROADS.

The first we heard in the western peninsula about road improvement—apart from statute labor and an occasional government grant under commissioners—plank, gravel, macadam, or otherwise, was on Lord Sydenham's arrival as Governor General in 1841, for he brought Canada a credit of £1,500,000 for public improvements in Upper and Lower Canada; and a mighty deal of importance was attached to this now relatively small financial arrangement.

Then the road from London to Hamilton was made macadam, and plank from London to Port Stanley; then the London and Chatham made straight and turnpiked, for the old road had followed the banks of the river and other crooked ways; and so the road from Chatham to the Rond Eau Harbor, both known as the "Board of Works Road," making the line divert from Charing Cross to Blenheim and turnpiking it from Chatham to Blenheim and Shrewsbury. I can recall going out of Chatham in a four-horse stage over the new road and taking three hours to reach Louisville, which, however, was twice as fast as Dr. Ryerson's journey through York State by stage in 1828.

But the work done here prepared the way for the gravelling

which the St. Clair and Rond Eau Road Company undertook in 1853, and another company the plank road to Kent Bridge. These roads were made under the Act passed in 1852, known as the Limited Liability Act, which relieved stockholders from the Common Law Liability for all the debts of a company, and limited it to the amount subscribed by each stockholder. This Act was taken from the celebrated English Act, of which the late Baron Bramwill, of the English Bench, was the author, whose death took place last year, and under which everything in the commercial world was so changed.

I remember when in England in 1871 a young American lady saying: "Do tell me, Mr. Woods, what that word 'Limited' means, that I see everywhere?" From a very sad experience I could tell her all about it, and particularly that while she would not be liable for anyone else's subscription, she might lose all the money she had put in herself.

The Gravel Road Company spent about $100,000 on the two portions, south and north sides, and got nothing from it directly but the improvement of the town, while the other spent about $28,000 with no greater financial benefit. Chatham has never since had good roads, and it is only by good roads that she can be made a city *de facto* as well as *de jure*. "Up, guards, at 'em."

The Ontario Good Roads Association, formed in Toronto in February, 1894, gives promise of bringing about a general and popular system of road improvement, the necessary legislation in aid of which we may look for at the next Session of the Legislature.

My first letter on good roads in Kent was written in December, 1849, to the Kent Advertiser, before I came to live here, and advocated the making of a plank or gravel road from the St. Clair to Chatham by the Town Line.

LAKE ERIE AND LAKE ST. CLAIR SHIP CANAL.

Over and above our direct interest in the great stream of commerce and transportation through the lakes we have the further one of a proposed canal through our peninsula and county, whereby a large portion of it will be drawn aside from the main channel, alike to the relief of the former and the benefit of the latter.

This is an exceedingly attractive enterprise, and so great is the commerce and so rapid is its increase annually, and so obstructed is it now that any and every channel of transportation that promises relief will be welcomed by the great lake carrying interest.

In 1857, before the present St. Clair Flats' Canal was constructed, and when it was supposed to be beyond the line of ex-

pectation that the difficulties of the St. Clair Flats could be adequately overcome, I proposed the scheme of the St. Clair and Rond Eau ship canal, which became a most popular project and received the sanction of an Act of the Parliament of United Canada, and of the several Boards of Trade of Chicago, Buffalo, Cleveland, Toronto, etc. The great financial crisis of that year so affected every public enterprise in America that our scheme could not be floated in the English market, and before we could do anything the American War broke out which stopped everything in the way of public improvement while it lasted, and long after the war. The present St. Clair Canal was constructed, and the more acceptable to Canadians, as it was and still is said to be in our waters. At all events, it did away with the necessity for the St. Clair and Rond Eau, which would have passed from the St. Clair through Chatham to the Rond Eau Harbor.

The following year and the scheme known as the Two Creeks' Canal was started and chartered, but nothing came of it likewise.

Again, in 1880, another company was chartered, of which I was one of the corporators, purposing to take up the line of what is now the St. Clair and Lake Erie ship canal in which Col. Tisdale, M. P. for Norfolk, Mr. Olney and Mr. Crawford are taking so great an interest.

It is not to be questioned that Kent is deeply interested in the work, and, if matured, will become a great factor in the prosperity of both counties. The tonnage in 1857 was estimated at 200,000; to-day, as shown elsewhere, it is the greatest line of transportation in the world.

THE MONROE DOCTRINE—ITS GENESIS.

We have nothing to fear from the Monroe Doctrine, for it it does not apply to Great Britain. It is interesting to enquire into this as yet uninforced, though much proclaimed, doctrine; and strange to say we find its paternity laid at England's door, through the suggestion of the Right Hon. George Canning, Foreign Secretary, to Mr. Rush, the American Minister to England, in 1823. Wharton, in his International Law Digest, makes the following statement and among other correspondence gives the following letter from ex-President Jefferson:

"Mr. Canning, in his correspondence with Mr. Rush having suggested that the United States should take decided ground against the introduction of the Holy Alliance in South America, Mr. Monroe sent the papers to Mr. Jefferson, asking his advice. To this request Mr. Jefferson answered as follows:

"Monticello, October 24, 1823.

"DEAR SIR,—The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of Independence. That made us a nation; this sets our compass and points the course which we are to steer through the Ocean of Time opening on us. And never could be embark upon it under circumstances more auspicious. Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be to make our hemisphere that of freedom.

"One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid and accompany us in. By acceding to her proposition we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at one stroke, which might otherwise linger long in doubt and difficulty. Great Britain is the nation which can do us the most harm of any or all on earth, and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship, and nothing would tend more to knit our affections than to be fighting once more side by side in the same cause. Not that I would purchase even her amity at the price of taking part in her wars.

"But the war in which the present proposition might engage us, should that be its consequence, is not her war, but ours. Its object is to introduce and establish the American system of keeping out of our land all foreign powers—of never permitting those of Europe to intermeddle with the affairs of our nations. It is to maintain our own principle, not to depart from it; and if to facilitate this, we can effect a division in the body of the European powers and draw over to our side its most powerful member, surely we should do it. But I am clearly of Mr. Canning's opinion that it will prevent instead of provoking war. With Great Britain withdrawn from their scale and shifted into that of our two continents, all Europe combined would not undertake such a war, for how would they propose to get at either enemy without superior fleets? Nor is the occasion to be slighted which this proposition offers of declaring our protest against the atrocious violations of the rights of nations by the interference of any one in the internal affairs of another so flagitiously begun by Bonaparte, and now continued by the equally lawless alliance calling itself Holy.

"But we have first to ask ourselves a question. Do we wish

to acquire to our own confederacy any one or more of the Spanish provinces? I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of states. The control which, with Florida Point, this island would give us over the Gulf of Mexico and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being. Yet, as I am sensible that this can never be obtained, even with her own consent, but by war, and its independence, which is our second interest (and especially its independence of England), can be secured without it, I have no hesitation in abandoning my first wish to future chances, and accepting its independence, with peace and the friendship of England, rather than its association at the expense of war and her enmity.

"I could honestly, therefore, join in the declaration proposed that we aim not at the acquisition of any of those possessions—that we will not stand in the way of any amicable arrangement between them and the mother country—but that we will oppose with all our means the forcible interposition of any other power auxiliary, stipendiary, or under any other form or pretext, and most especially their transfer to any power by conquest, cession, or acquisition in any other way. I should think it, therefore, advisable that the executive should encourage the British Government to a continuance in the dispositions expressed in these letters by an assurance of his concurrence with them as far as his authority goes, and that as it may lead to war, the declaration of which requires an Act of Congress, the case shall be laid before them for consideration at their first meeting, and under the reasonable aspect in which it is seen by himself.

"I have been so long weaned from political subjects, and have so long ceased to take any interest in them, that I am sensible I am not qualified to offer opinions on them worthy of any attention; but the question now proposed involves consequences so lasting, and effects so decisive of our future destinies, as to rekindle all the interest I have heretofore felt on such occasions, and to induce me to the hazard of opinions which will prove only my wish to contribute still my mite toward anything which may be useful to our country. And, praying you to accept it at only what it is worth, I add the assurance of my constant and affectionate friendship and respect."

The Holy Alliance took shape in a treaty signed at Paris, 26th September, 1815, between Austria, Russia and Prussia. Great Britain took no part in this Alliance. The ostensible object of the Alliance was the subordination of politics to the Christian religion; the real principle, however, was the establishment of

jure divino autocracies, each sovereign incorporating in himself "the Christian religion" as well as supreme political power.

IN CONCLUSION.

If every state should have a dominant idea, then should Canada's be—Loyalty.

We are a peculiar people. Starting with a conquered race of different faith and language, representing England's traditional enemies, but who proved loyal and faithful adherents of British power in its extremity, and to whom we are indebted for supremacy in three critical periods of our history; while our own colonies on the south—British and Protestant—rebelled against us and established a hostile state instead, out of whom, however, thank God, came the remnant of 100,000 loyalists forsaking homes and kindred to find a resting-place here.

Shall we, the representatives of this common heritage, not be willing, freely and fully, to share it with our fellow colonists, irrespective of race or creed? Shall not gratitude and patriotism be our watchwords? And shall we not again give each other a renewed pledge of fidelity, proclaim a united fealty to our Sovereign and Empire, and maintain our allegiance to its unity against all influences no matter whence they come?

In view of the blessings we enjoy and the glorious future presenting itself to our colonial vision, let me earnestly enjoin upon every Canadian an inalienable, an unalterable and an incorruptible attachment to our Sovereign and country; and may Harrison Hall ever remain a monument of the liberty and loyalty of Kent and Canada.

POSTSCRIPT.

THE VENEZUELA MESSAGE.

Since writing the foregoing pages Mr. Cleveland, as President of the United States, has sent his celebrated Venezuelan message to the Senate, and the world knows with what effect. To us of Canada, I may truthfully say, and of England as well, it was read with pain and grief; not because of its threatened results to us as colonists, or to England as the mother country, but that it could be received by both the Senate and Congress with the unseemly joy with which it was welcomed; to use the words of a prominent divine of the City of New York: "As if they had been invited to a game of skittles instead of a war with the most powerful nation of the earth," and that the one from whose loins they had come, and upon a question with which the United States had nothing to do so far as England was concerned. We congratulate ourselves upon the message, despite its hostility and the levity of its reception by Congress, because it revealed to us the dangers to which we may at any time be exposed from our proximity to the Republic; and because we found ourselves as one man determined to stand by England and resist to the death any attempt to take Canada, even with the million of men with which the next day their generals said they could occupy and hold Canada, and hold it for good—for that was to be the first fruits of the message—the permanent occupation and retention of Canada. But there was no scare in Canada, not the slightest disturbance of its serenity or security, political, financial, or social; in the even tenor of its way it went on as if there had been no Message, or Congress, or Republic. Let me give the words of the Premier of Ontario, Sir Oliver Mowat, speaking in Buffalo shortly after, for they so faithfully describe our state of mind at the time:

"With all our differences, racial and sectarian, we are a unit when we appear to be in danger. French Canadians joined heartily with Protestant Ontario and demonstrated how little real sentiment there is for annexation to-day. Never in my whole public career have I seen so much loyalty to Great Britain. I pray God such a dire calamity as war may be honorably avoided. You know the United States has many good reasons, apart from our common language, to be friendly towards Great Britain. We are really brothers, and such a war would be cruel, wicked and fra-

tricidal. Still it is wonderful how quickly Canada responded to the call of danger, and how all races and creeds joined together in a determination to show their solid strength and patriotism on behalf of the Motherland. Of course we do not believe there will be war. We have no reason to be other than friendly and neighborly, but Canadians are not cowards you know. We have had friction with the United States before on many issues, but never without cause, and I do not see why all disputes cannot be amicably settled. We claim only the right to live neighborly and do our business honorably with the United States, but we also claim the right to know what is best for ourselves and to be allowed to manage our own affairs as we deem fit. This Canadians will always do. We are not cowards you know, nor are we alarmed even now. England's splendid isolation is the admiration of the world. There is no mistaking her temper or her power. She seems doubly proud and heroic as she stands out alone against the great powers, as if she gloried in her friendlessness. She stands out a splendid spectacle. And if she should be called upon to fight, I venture to think she will not be alone, or she will be equal to the occasion."

Then we have to further congratulate ourselves and the world upon the noble stand taken by the great body of the American people against the rash act of the President and Congress, protesting as they did that there should be no war and that war between England and the United States would be a disgrace to the Christian feelings of both countries; and further congratulate ourselves that the sentiment in England was equally strong and that that cry from the two nations will be found crystalized in a court of arbitration by which all questions between them shall in the future be settled.

We have been face to face with a great and direful conflict, but the hallowed memories of our United Empire Loyalist forefathers have flamed up with such intensity as to make us all one in our determination to hold to Old England and cleave to her in weal or in woe.

GOD SAVE THE QUEEN!

APPENDICES.

OFFICIALS OF THE DISTRICT OF HESSE AND WESTERN DISTRICT—DETROIT.

Henry Hamilton was the first Lieutenant Governor, appointed in 1775, for the Detroit District. The Commandant was no doubt the first Judge.

In 1767 the first formal appointment of a Judge was made by Captain George Turnbull of the 60th or Royal America Regiment Commandant of Detroit and the Dependencies, who on 24th April of that year appointed Philip Dejean, a merchant, as Justice of the Peace, Notary Public, Tabillion and Vendue Master of Sales that might take place there, and on 28th July following, Major B. Robert Bayard commanding, gave him on the petition of the inhabitants the further commission to decide all actions of debts, bonds, bills, contracts and trespasses above the sum of £5 0s. 0d. New York currency. This is the Judge Dejean so sharply referred to by Chief Justice Campbell, and strange to say I have two original documents from his hand and seal among my old papers. The District of Hesse having been set apart in 1788 and courts established Lord Dorchester on 24th July of that year appointed the following officers: Jacques Duperon Baby, Alexander McKee and William Robertson, Judges of the Court of Common Pleas; Gregor McGregor, Sheriff; William Roe, Clerk of the Peace; Thomas Smith, Clerk of the Court of C. P. and Clerk of the Peace and Sessions of the Peace; and George Meldrum, Coroner; and eight Justices of the Peace who were Alexander Grant, Guillanme La Motte, St. Martin Adhernan, William Macomb, Joncaire de Chabert, Alexander Maisonville, William Caldwell, Matthew Elliot. In 1789 William Dummer Powell was appointed Judge of Common Pleas and Probate.

DETROIT AND SANDWICH.

The following is the return kindly furnished me by the Secretary of State at Ottawa of all appointments made in and after 1792 when Governor Simcoe organized the Government of Upper Canada, with which and information from other sources and the aid of Mr. James Soutar, I have been enabled to make these lists which I have good reason to believe have never before appeared in this form.

JUDGES OF DISTRICT COURT.

9 July	1794	Thomas Harffy	Western District
1 January	1800	Thomas Harffy	"
1 January	1800	Prideaux Selby	"
12 June	1807	Robert Richardson	"
5 April	1826	Robt. Richardson and Wm. Berczy	"
30 November	1832	William Berczy and Chas. Eliot	"
9 March	1833	Chas. Eliot	"
26 May	1845	Alexander Chewett	"

JUDGES OF SURROGATE COURT.

No date	(1793 or '94)	James Baby (Hon.)
30 August	1796	Walter Roe
1 January	1880	James Baby
29 August	1801	Richard Pollard
20 December	1824	William Hands
9 March	1836	John Alex. Wilkinson

SHERIFFS.

16 July	1792	Richard Polland	Essex and Kent Counties
1 January	1800	Richard Pollard	Western
7 June	1802	William Hands	"
10 September	1833	Ebenezer Reynolds	"
7 August	1837	Robert Lachlan	"
1 August	1839	Raymond Baby	"
23 October	1840	George Wade Foot	"
16 January	1849	John Waddell	"
	1851	Wm. Duperon Baby	Essex and Lambton
6 May	1856	John McEwan	Essex County
11 January	1851	John Waddell	Kent County
17 February	1854	John Mercer	"

CLERKS OF THE PEACE.

9 September	1794	Walter Roe	Western
1 January	1800	Walter Roe	"
29 August	1801	William Hands	"
5 June	1802	James Allan	"

(None on record for Western District after this date).

I add these	1817	Geo. T. F. Ireland
	1824	Charles Askin
	1835	Charles Baby
	1871	S. S. Macdonell, and Crown Attorney.

CLERKS OF DISTRICT COURTS.

James Allan	George T. F. Ireland
Charles Askin	Wm. R. Wood.

TREASURERS OF DISTRICTS.

November	1833	Jean Baptiste Baby	
14 February	1842	Jean Baptiste Baby	Western—After County [Council Act
	1808–33	Wm. Hands (added).	

REGISTRARS OF COUNTIES.

	1793	Richard Pollard	Essex and Kent
	1825	Wm. Hands	" "
12 November	1829	John Beverley Robinson	Kent
	1831	James Askin	Essex
3 July	1846	John Askin	"
4 December	1858	John Askin	"
	1872	J. Wallace Askin	"
	1825	James Richardson	Kent
	1829	Robert Rist	"
3 July	1830	William Jones	"
13 January	1849	Henry Glass	"
29 November	1853	Arthur Acland	"
8 May	1854	Alexander Knapp	"
4 December	1858	Edwin Larwill	"
8 July	1862	Peter McKellar	"

(Walter Roe on 3rd May, 1796, was appointed Deputy of the Registrar of the Province of Upper Canada for Western District).

REGISTRARS OF SURROGATE COURT.

	1794	Richard Pollard	Western
1 January	1800	Richard Pollard	"
29 August	1801	William Hands	
	1831	James Askin	

COMMISSIONERS OF CUSTOMS.

		Robert Richardson	
27 April	1824	Charles Askin	Western
		William Duff	
		Charles Askin	
11 January	1826	Robert Rist	Western
		James W. Little	
		Charles Askin	
11 February	1831	Charles Eliot	Western
		Charles Baby	

COLLECTORS OF CUSTOMS.

AMHERSTBURG.—John Wilson, 1818; Edwin Caldwell, 1831; E. Anderson, 1857.

SANDWICH —Wm. Hands, 1800; John Askin, jr., 1801; Wm. Duff, 1807; Wm. Anderton, 1837.

WINDSOR.—Major J. F. Elliot, 1841; Wm. Benson, 1850; Johnstone Richardson, appointed after 1886.

CHATHAM.—Wm. Cosgrave, 1833; J. G. Pennefather, 1862; R. Stephenson.

SARNIA.—Captain Vidal; R. E. Vidal, 1850; D. C. O'Brien, 1863.

WALLACEBURG.—In March, 1846, Col. Bell was made first Collector of Customs. James Wilson succeeded him in 1862, followed by Mr. Charles Fraser, followed by D. B. Gillard.

RONDEAU was made a point of entry in 1844, with M. Cronyn as Collector. In 1852 Morpeth was added thereto with George Duck, sr., as Collector. Hugh Calder followed in 1863 as Collector, with whose incumbency the Collector's post was discontinued.

RIDGETOWN AND MORPETH—John Duck.

BLENHEIM AND RONDEAU—W. R. Fellows.

POST MASTERS.

AMHERSTBURG.—Charles Berczy; James Kevill, 1831; Ernest Park, 1872.

SANDWICH.—Wm. Hands; John Gentle, 1834; Ed. Holland, 1838; P. H. Morin, 1843.

WINDSOR.—John Mercer, 1842; John McCrae, 1845; Demis Ouelette, 1850; A. H. Wagner, 1862.

CHATHAM.—Wm. McCrae, 1820, *Raleigh; Duncan McGregor, 1831; James Read, 1839; John Crow, 1851-4; Benj. Barfoot, 1856; Saml. Barfoot, 1865.

SARNIA —Geo. Durand, 1835; A. Fisher, 1862.

*Only changed from "Raleigh P. O." to "Chatham P. O." in 1851.

INSPECTORS OF INLAND REVENUE.

WINDSOR—G. W. Hall.

CHATHAM—Wm. A. McCrae, 1847 to 1851, appointed for Kent and Lambton; George Thomas succeeded him in 1852; Geo. W. Foott, 1860; Dr. Thos. Cross in 1869; Charles Dunlap, 1873.

CROWN LANDS' AGENTS.

Colonel Talbot in the east was the first agent; Henry John Jones followed him; succeeded by Thomas Steers, who had charge of Kent and Lambton; followed by J. B. Williams in 1850; John E. Brooke about 1856; Richard Monck in 1861. Dr. Patrick McMullin, and his son Duncan, acting for Essex.

JUSTICES OF THE PEACE FOR 1802

Justices of the Peace in 1802 for Western Division, including Essex, Kent and Suffolk: Francis Baby, Prideaux Selby, Wm. Hands, Daniel Fields, Wm. Park, Gregor McGregor, Wm. Shaw, Abram Iradell, John Askin, Wm. Caldwell, Wm. Hearffy, Matthew Eliott, James Urquhart, George Meldrum, Jean Baptiste Baby.

Mr. Wm. Hands was Sheriff, Treasurer, Portmaster, Customs Officer, Surrogate Judge and Registrar of Surrogate.

SALARIES.

District Judge, £15; Sheriff, £100; Clerk of the Peace, £120; Clerk of District Court, £25. Registrars of Deeds—Kent, £75; Essex, £59. Collector of Customs at Amherstburg, £58. Postmaster at Sandwich, £100; Amherstburg, £118. Those of Surrogate Judge, £25; District Treasurer, £66; Inspector of Licenses, &c., £75; Inland Revenue and Collector of Customs, £50, are calculated from those of another District and were all held by Mr. Hands.

ENGLISH CHURCH.

Salaries paid by Government to the ministers of the English Church were: Sandwich, £100; Amherstburg, £111 6s. 3s.; Chatham, £111 6s. 8d. The Grammar school teacher at Sandwich £100, who from 1827 to 1840 was the clergyman, and so got a good allowance. Rev. Richard Pollard, who died in 1820, was the first Protestant minister in the West.

CHURCH OF SCOTLAND.

Amherstburg—Rev. Mr. Gale and Rev. Mr. Cheyne received £64.

CHURCH OF ROME.

Paid by tithes, which was 1-26 bushel of grain only.

M. P. P.'S FOR WESTERN DISTRICT FROM 1792 TO 1841.

ESSEX		KENT	
J. B. Baby	1792	David Wm. Smith	1792
Thos. McKee	1801	Wm. Macomb	1792
Matthew Eliot	1801–'05–'09	Thos. McKee	1796
David Cowan	1805	Thos. McCrae	1801
J. B. Bray	1809–'20	John McGregor	1805–'09–'13
Wm. McCormick	1813–'17	Joshua Cornwall	1817
Geo. B. Hall	1817	James Gordon	1820–'5
Francis Baby	1828–'29	Nathan Cornwall	1835
William Elliott	1831	William McCrae	1835
Jean B. Macon	1831		
Jno. Alex. Wilkinson	1825–'29–'35		
Francis Caldwell	1835 '40		
John Prince	1836–'56		

In 1834 Kent became entitled to two members, and William McCrae and Nathan Cornwall were returned. Changed to one in 1841.

The name of Mr. James Baby as given in the list of members to the first Parliament of Upper Canada in Mr. Yeigh's valuable history of "Ontario's Parliament Buildings," Appendix page 15, calls for notice. There was but the one James Baby, and he was the Honorable, appointed a member of Governor Simcoe's Executive Council on the 8th day of July, 1792, and a member of the Legislative

Council, and sworn in on 8th July, as shown by Mr. Yeigh at page 10, and so sat in the Legislative Council and not in the Assembly, and continued in the Legislative and Executive Councils to the time of his death in 1833. Mr. Baby's father was Jacques Duperon Baby, one of the Judges of Common Pleas, appointed by Lord Dorchester in 1788, but he died in 1789. Mr. Baby had two brothers, Jean Baptiste and Francis, both of whom later appear by Mr. Yeigh's list to have sat in the Assembly, and I dare say one of these was the Mr. Baby who sat in the Assembly in 1792, as given in Mr. Yeigh's list at page 11. This would be my own conclusion, and on looking into Macdonald's Illustrated Atlas I find that he says, after full inquiry, that Mr. Jean Baptiste sat in the Assembly in 1792. Of course, constitutionally, Hon. James Baby could *not* sit in the Lower House while a member of the Upper.

M. P's. FOR KENT FROM 1841 TO 1867.

Joseph Woods.....1841-1848
Hon. S B. Harrison.....1844 reigned without taking his seat
Malcolm Cameron.....1848
George Brown.....1851
Elwin Larwill.....1854
Archibald McKellar.....1857-'67

AFTER CONFEDERATION—IN DOMINION PARLIAMENT.

COUNTY OF KENT.

Rufus Stephenson.....1867-1882
Henry Smyth.....1882-'86
Archibald Campbell.....1886-'95

ELECTORAL DISTRICT OF BOTHWELL.

David Mills.....1867-1895

LEGISLATIVE COUNCIL OF HESSE AND WESTERN DISTRICT.

Hon. Alexander Grant.....1792-1813
Hon. James Baby.....1792-1833
Hon. James Gordon.....1824

WESTERN DIVISION, ELECTION LEGISLATIVE COUNCIL.

Hon. John Prince.....1856
Hon. Sir Allan N. MacNab.....1860
Hon. Walter McCrea.....1872

Mr. McCrea remained in the Council till December, 1870, when he was appointed Judge of Algoma, succeeding Col. Prince. Hon. Joseph Northwood was called to the Senate in 1880 for this section, and on his death in 1886, was succeeded by the Hon. Charles E. Casgrain, of Windsor.

ONTARIO LEGISLATURE.

WEST KENT.

John Smith.....1876
James Dawson.....1871
Alexander Contts.....1875
Ed. Robinson.....1879-1883
James Clancy.....1883
T. L. Pardo.....1895

EAST KENT.

Hon. Arch. McKellar.....1867-1879
Daniel McCraney.....1879-1885
Robert Ferguson.....1885-1895

Election Returns County of Kent.

(From Soutar's Almanac.)

	Year of Election	No. of Parliament.	Parliament Met.	Member Elect.	Votes.	Defeated Candidate.	Votes.	Total Vote.	Majority
Assembly, Upper and Lower Canada.	1841	1	8th April, 1841	Joseph Woods		S. B. Harrison			41
	1844	2	12th Nov, 1844	S. B. Harrison	589	Joseph Woods	454	1043	135
	1845	*		Joseph Woods	517	H. J. Boulton	422	939	95
	1847	3	24th Jan., 1848	Malcolm Cameron	1077	J H. Cameron	540	1617	537
	1851	4	24th Dec, 1851	George Brown	836	Edwin Larwill Arthur Rankin	739	2061	97
	1854	5	10th Aug., 1854	Edwin Larwill		Arch. McKellar John Waddell R. S. Woods	486		
	1857	6	13th Jan., 1858	Arch. McKellar	1828	Edwin Larwill	1050	2878	778
	1861	7	15th July, 1861	Arch. McKellar	1885	Albert Prince	1624	3509	261
	1863	8	3rd July, 1863	Arch. McKellar	1936	Joseph Northwood	1641	3577	295
House of Commons.	1867	1	7th Nov., 1867	Rufus Stephenson	1524	Arch. McKellar	1427	2951	97
	1872	2	5th March, 1873	Rufus Stephenson	1874	W. S. Stripp	1730	3604	144
	1874	3	26th March, 1874	Rufus Stephenson	1895	W. S. Stripp	1823	3718	72
	1878	4	13th Feb., 1879	Rufus Stephenson	2502	H. Macmahon	1969	4471	533
	1882	5	8th Feb., 1883	Henry Smyth	2223	Dr. Jas. Samson	2066	4289	157
	1884	†		Henry Smyth	2548	Dr. Jas. Samson	2266	4814	282
Ontario Legislature.	1867	1	27th Dec., 1867	John Smith	1473	Jno. McMichael	1429	2951	44
	1871	2	7th Dec., 1871	James Dawson	1382	Jno. Smith	1199	2581	183
	1875	3	24th Nov., 1875	Alex. Coutts	1440	Stephen White	1294	2734	146
	1879	4	7th Jan., 1880	Ed. Robinson	1343	Alex. Coutts	1206	2549	137
	1883	5	25th Jan., 1884	James Clancy	2299	H. F. Cumming	1872	4171	427
	1887			James Clancy		James Dillon			
	1891			James Clancy		Dr. Fleming			

*New election upon the elevation of Mr. Harrison to the Bench.
†New election, Mr. Smyth being unseated by the court.

Election Returns County of Bothwell.

	Year of Election	No. of Parliament.	Parliament Met.	Member Elect.	Votes.	Defeated Candidate.	Votes.	Total Vote.	Majority
House of Commons.	1867	1	7th Nov., 1867.	David Mills	1333	David Glass	1224	2557	109
	1872	2	5th March, 1873	David Mills	1727	C. R. Atkinson	1135	2862	592
	1874	3	26th March, 1874	David Mills	1600	John Dobbyn	1137	2737	463
	1876	:		David Mills	1650	Jas. Dawson	1142	2792	508
	1878	4	13th Feb., 1879	David Mills	1852	J. J. Hawkins	1567	3419	285
	1882	5?	8th Feb , 1883	David Mills	1643	J. J. Hawkins	1626	3269	17
	1886			David Mills		Dr. Mitchell			
	1891			David Mills		Geo. Langford			
Ontario Legislature.	1867	1	27th Dec., 1867	Arch. McKellar	1239	E. D. Kerby	1164	2408	75
	1871	2	7th Dec., 1871	Arch. McKellar	1304	E. D. Kerby	1066	2370	238
	1872	!		Arch. McKellar		Acclamation			
	1875	3	24th Nov., 1875	Arch. McKellar	1425	Jas. G. Laird	1328	2753	97
	1875	%		D. McCraney	1509	Jas. G. Laird	1345	2854	164
	1879	4	7th Jan., 1880	D. McCraney	1774	Alex. Trerice	1457	3231	317
	1883	5	25th Jan., 1884	D. McCraney	1947	Benj. Willson	1754	3701	193
	1886	&		Robt. Ferguson		Acclamation			
	1886			Robt. Ferguson	2302	T. R. Jackson	1722	6925	
	1886			Robt. Ferguson					
	1886			Robt. Ferguson		— Patterson			

:New electton when Mr. Mills was appointed Minister of the Interior.

?In this election the Returning Officer declared Mr. Hawkins elected by a majority of 17 votes, but Mr. Mills protested and after trial Mr. Mills was given the seat, Mr. Hawkins having occupied his seat for one session.

!New election when Mr. McKellar was appointed Commissioner of Public Works.

%New election —Mr. McKellar resigned and was appointed Sheriff of Wentworth.

&New election on the death of Mr. McCraney.

ELECTION RETURNS COUNTY OF BOTHWELL *(Continued)*.

Until 1867 the County of Kent returned but one member. At confederation new electoral districts were formed, the Townships of Howard, Orford, Camden, and Zone (in Kent), and Sombra, Dawn and Euphemia (in Lambton), being constituted the electoral district of Bothwell, Kent comprising the balance of the county. This arrangement also applied to the representation in the Ontario Assembly until 1874, when the county was divided into two Ridings—the East comprising Harwich, Howard, Orford, Zone, Camden, Dresden, Ridgetown, Blenheim, Bothwell and Thamesville—the West, the balance of the county. In 1882 the boundaries of the House of Commons constituencies were again changed, Howard, Orford, and Ridgetown being attached to West Elgin, Euphemia to West Middlesex, and Chatham Township and Wallaceburg to Bothwell.

LIST OF THE JUDGES OF THE SUPERIOR COURTS FROM 1791.

Taken from Read's Lives of the Judges (now deceased).

Chief Justice Osgoode	appointed 1791
Judge Powell	appointed 1789–1792
Chief Justice Elmsley	appointed 1796
Chief Justice Alcock	" 1802
Chief Justice Scott	" 1804
Judge Cochrane	" 1803
Judge Thorpe	" 1805
Chief Justice Campbell	" 1811
Judge Boulton	" 1818
Judge Sherwood	" 1825
Judge Willis	" 1827
Chief Justice Robinson	" 1829
Chief Justice Macaulay	" 1829
Chief Justice McLean	" 1837
Judge Jones	" 1837
Vice-Chancellor Jameson	" 1837
Judge Hagerman	" 1840
Chief Justice Draper	" 1847
Judge Sullivan	" 1848
Chancellor Blake	" 1848
Vice-Chancellor Eaton	" 1848
Judge Burns	" 1850
Chief Justice Spragge	" 1850
Chancellor VanKoughnet	" 1862
Judge Connor	" 1863
Judge John Wilson	" 1863
Judge Morrison	" 1862
Chief Justice Harrison	" 1875
Chief Justice Moss	" 1875
Chief Justice Cameron	" 1878
Judge O'Connor	" 1884

CHIEF JUSTICES AND JUDGES OF THE SUPREME AND EXCHEQUER COURTS OF CANADA AND THE SUPERIOR COURTS OF ONTARIO.

SUPREME AND EXCHEQUER COURTS.

Chief Justices.

Hon. Sir Wm. Bruell Richards	appointed Oct., 1875
Hon. Sir Wm. Johnstone Ritchie (Knight)	appointed 11th Jan., 1879
Hon. Sir Samuel Henry Strong	" 18th Sep., 1892

Judges.

Hon. Samuel Henry Strong	appointed	8th Oct., 1875
Hon. Telesphore Fournier	"	8th Oct., 1875
Hon. Wm. Alexander Henry	"	8th Oct., 1875
Hon. Henri Elzéar Taschereau	"	7th Oct., 1878
Hon. John Wellington Gwynne	"	14th Jan., 1879
Hon. Christopher Salmon Patterson	"	27th Oct , 1888
Robert Sedgewick	"	18th Feb., 1893
George Edwin King	"	21st Sep., 1893
George W. Burbidge (Exchequer)	"	1st Oct., 1887

SUPERIOR COURTS OF ONTARIO AND THE SUPREME COURT OF JUDICATURE.

COURT OF APPEAL FOR ONTARIO.

Chief Justices.

Hon. Thomas Moss	appointed	30th Nov., 1877
Hon. John Godfrey Spragge	"	2nd May, 1881
Hon. John Hawkins Hagarty	"	6th May, 1884

Judges.

Hon. George Wm. Burton	appointed	30th May, 1874
Hon Christopher Salmon Patterson	"	6th June, 1874
Hon. Jos. Curran Morrison	"	30th Nov., 1877
Hon. Featherston Osler	"	17th Nov., 1833
Hon. James Maclennan	"	27th Oct., 1888

COURT OF QUEEN'S BENCH AND QUEEN'S BENCH DIVISION OF THE HIGH COURT OF JUSTICE.

Chief Justices and Presidents.

Hon. John Hawkins Hagarty	appointed	13th Nov., 1878
Hon. Sir Adam Wilson (Knight)	"	6th May, 1884
Hon John Douglas Armour	"	15th Nov., 1887

Judges.

Hon. John Douglas Armour	appointed	30th Nov., 1877
Hon. Sir Matthew Crooks Cameron (Knight)	"	15th Nov., 1878
Hon. John O'Connor	"	11th Sep., 1884
Hon. Wm. Glenholme Falconbridge	"	21st Nov., 1887
Hon. Wm. Purvis Rochfort Street	"	30th Nov., 1887

COURT OF COMMON PLEAS AND COMMON PLEAS DIVISION OF THE HIGH COURT OF JUSTICE.

Chief Justices and Presidents.

Hon. Sir Adam Wilson (Knight)	appointed	13th Nov., 1878
Hon. Sir Matthew C. Cameron (Knight)	"	13th May, 1884
Hon. Sir Thomas Galt (Knight)	"	7th Nov., 1887
Hon. Wm. R. Meredith	appointed	Oct., 1894

Judges.

Hon. Sir Thomas Galt (Knight)	appointed	7th June, 1869
Hon. Featherston Osler	"	5th Mar., 1879
Hon. John Edward Rose	"	4th Dec., 1883
Hon. Hugh McMahon	"	30th Nov., 1887

COURT OF CHANCERY AND CHANCERY DIVISION OF THE HIGH COURT OF JUSTICE.

Chancellors and Presidents.

Hon. John Godfrey Spragge ..... appointed 27th Dec., 1869
Hon. John Alexander Boyd..... ..... " 3rd May, 1881

Judges.

Hon. Samuel Hume Blake..... appointed 2nd Dec , 1872
Hon. William Proudfoot .... " 30th May, 1874
Hon. Thomas Ferguson..... ..... " 24th May, 1881
Hon. Thomas Robertson..... ..... " 11th Feb., 1887
Hon. Richard Martin Meredith..... ..... " 1st Oct., 1890
Hon. Oliver Mowat appointed 14th Nov., 1864.....resigned

MARITIME COURT.

Judges.

Kenneth McKenzie, Esq., Q. C.. ....appointed 12th July, 1887
John Boyd, Esq., Q. C ..... " 28th Mar., 1883
Joseph Easton McDougall, Esq., Q. C..... " 17th Sept., 1885

COURT OF ADMIRALTY.

Joseph Easton McDougall.. .....

GOVERNORS GENERAL OF CANADA PRIOR TO CAPITULATION.

1540 Jean F. de la Roque, Sieur de Roberval.
1598 Marquis de la Roche.
1612 Samuel de Champlain.
1630 Marc Ant. de Bras de fer de Chateaufort.
1636 Chevalier de Montmagny.
1648 Chevalier d'Aillebout de Coulonge.
1651 Jean de Lauzon.
1656 Charles de Lauzon Charny.
1657 D'Aillebout de Coulonge.
1658 Viscount de Voyer d'Argenson.
1661 Baron de Bois d'Avangour.
1663 Chevalier de Saffray Mesy.
1663 Alex. de Prouville Tracy (acting).
1665 Chevalier de Courcelles.
1672 Count de Frontenac.
1682 Sieur de la Barre.
1685 Marquis de Denonville.
1689 Count de Frontenac.
1699 Chevalier de Callieres.
1703 Marquis de Vaudreuil.
1725 Baron de Longueuil (acting).
1726 Marquis de Beauharnois.
1747 Count de Galissonniere.
1749 Marquis de la Jonquiere.
1752 Marquis Duquesne de Menneville.
1755 Marquis de Vaudreuil-Cavagnal.

AFTER THE CAPITULATION.

1760 Gen. James Murray.
1766 Gen. Sir Guy Carleton (Lord Dorchester).
1778 Gen. Frederick Haldimand.
1786 Lord Dorchester
1797 Maior General Prescott.
1807 Sir James Craig.
1811 Sir George Prevost.
1815 Sir Gordon Drummond (acting).
1816 Sir John Cope Sherbrooke.
1818 Duke of Richmond.
1819 Sir Peregrine Maitland (acting).
1820 Earl of Dalhousie.
1828 Sir James Kemp.
1830 Lord Aylmer.
1835 Lord Gosford.
1838 Earl of Durham.
1839 Sir John Colborne (Lord Seaton).
1839 Hon. C. P. Thompson (Lord Sydenham).
1842 Sir Charles Bagot.
1843 Sir Charles Metcalfe.
1845 Earl Cathcart.
1847 Earl of Elgin.
1855 Sir Edmond Walker Head.
1861 Lord Monck.

GOVERNORS GENERAL SINCE CONFEDERATION.

1. Rt. Hon. Viscount Monck, June 1, 1867.
2. Rt. Hon. Lord Lisgar (Sir John Young) December 29, 1868.
3. Rt. Hon. the Earl of Dufferin (now Marquis of Dufferin) May 22, 1872.
4. Rt. Hon. the Marquis of Lorne, Oct. 5th, 1878.
5. The Most Hon. the Marquis of Lansdowne, August 18, 1883.
6. The Hon. Lord Stanley of Preston, May 1, 1888, who succeeded to the Earldom of Derby on the death of his brother, April 21st, 1893.
7. Rt. Hon. Lord Aberdeen, our present most excellent Governor General.

THE LIEUTENANT GOVERNORS OF UPPER CANADA FROM 1792 TO 1841

Hon. John Graves, Simcoe,.....1791
Hon. Peter Russell, President..... ...1796
Hon. Peter Hunter.....1796
Hon. Alexander Grant, President.....1805-6
His Excellency Francis Gore.....1806 to 1818 less 5 yrs. in England.
Major General Sir Isaac Brock, President1811-12
Sir Perigrine Maitland. ... .1818
Sir John Colborne..... ..1828
Sir Francis Bond Head 1836
Sir George Arthur 1838

AFTER CONFEDERATION.

Major General Sisted... 1867
Sir William P. Howland..... 1868
Hon. John Crawford 1873
Hon. D. A. Macdonald 1877
Hon. John Beverly Robinson.....1881
Hon Sir Alexander Campbell.....1888
Hon. George A. Kirkpatrick 1892

COUNTY LIEUTENANTS.

Governor Simcoe among his many other appointments after the English model, gave us County Lieutenants corresponding to the Lords Lieutenant in England and Ireland, in the latter of which they were introduced as late as 1831. The following is the list :

John Macdonell	Glengary
William Fortune	Prescott
Archibald Macdonell	Stormount
Hon. Richard Duncan	Dundas
Peter Drummond	Grenville
James Breakenbridge	Leeds
Hon. Richard Cartwright	Frontinac
Hazellon Spencer	Lenox
William Johnson	Addington
John Ferguson	Hastings
Archibald McDonell	Marysburg, Prince Edward
Alexander Chisholm	Northumberland
Robert Baldwin	Durham
Hon. David Wm. Smith	York
Hon. Robert Hamilton	Lincoln
Samuel Ryerse	Norfolk
William Claus	Oxford
Hon. Alexander Grant	Essex
Hon. James Baby	Kent.

This he did to relieve himself of some of the responsibilities of granting lands to settlers and seeing that justice was done them. They possessed the right of appointing magistrates and officers of militia. Besides this a magistrate could, under his direction, assign in the King's name 200 acres of land to every settler whom he knew to be worthy, and the Surveyor of the District was to point out to the settler the land allotted to him. In appointing these Lieutenants of Counties the Governor evidently had in view the organization in time of a militia force for the defence of the country. As we see the Hon. Mr. Baby was the County Lieutenant for Kent, and I have an important letter addressed to him by President Russell in August, 1796, indicating the responsibilities of his position, and how military considerations pervaded everything in those days, and so it continued down as late as 1849, for it was only in that year that the Government would allow a bridge across the Thames in Chatham to be built west of the Barrack ground at Sixth Street.

Table of the British Empire and its Dependencies, 1894.

From Hazell's Annual for 1894.

	Name and Date of Acquisition	Capital	Population
	The United Kingdom of Great Britain and Ireland	London	37888153
In The Irish Channel	Isle of Man, or Mona (1765)	Douglas	55598
In The English Channel	Jersey I. (1066)	St. Heliers	54518
	Guernsey, etc., Is. (1066)	St. Pierre	35339
In The Mediterranean	Gibraltar (1704)	Gibraltar	25869
	Maltese Is. (1800)	Valetta	177225
	Cyprus I. (1878)	Nikosia	209286
In The Gulf of Aden	Aden (1839)	Aden	41910
	Perim I. (1855)	.....	150
	Kuria-Muria Is. (1854)	.....	34
	North Somali Coast (1885)	Berbera	.....
	Socotra I. (1886)	Tamarida	10000
In The Indian Ocean	Mauritius I. (1810)	Port Louis	368163
	Rodriguez I. (1810)	.....	.....
	Seychelles and Amirante Is. (1810)	Port Victor'a	18000
	Chago and Oil Is. (1810)	Diego Garcia	.....
	Ceylon (1795)	Colombo	3008239
	Maldive Is	.....	.....
In Asia	Empire of India. (Empire, '77)	Calcutta (tot'l)	287223431
	Provinces of British India: Bengal	Calcutta	71346987
	Assam	Ganhati	5476833
	North-West and Oude	Allahabad; Luck-now	46931010
	Punjab	Lahore	20807020
	Central Provinces	Nagpore	10784294
	Burmah	Mandalay	7605560
	Madras	Madras	35591440
	Bombay	Bombay	18901123
	Ajmir	.....	541890
	Berar	Ellichpore	2896670
	Coorg	.....	172630
	Native States (see India, Native States of)	.....	66167860
	Andaman & Nicobar Is. ('58)	Port Blair	abo't 25000
	Straits Settlements	Singapore	512342
	Singapore (1819)	Singapore	184554
	Penang (1786)	Georgetown or Penang	123886
	Province of Wellesley		108117
	The Dindings (1826)	.....	3615
	Malacca (1795)	Malacca	92170
	Cocos or Keeling Is. ('85)	.....	554
	Christmas I. (1889)	.....	9
	Perak (1875)	Taiping	214254
	Selangor (1873)	Kuala Lumpor	81592
	Sungei Ujong (1873)	Seremban	23602
	Jelebu (1885)		
	Negri Sembilan (1886)	Kuala Pilah	41617
	Pahang (1888)	Pekan	64000
In Asiatic Archipelago	Labuan I. (1847)	Victoria Harb.	5853
	North Borneo (1877)	Sandakan	200000
	Hong-Kong I., with Kowloon and Lema Is. (1841)	Victoria	221441
In Australasia	New South Wales (1788)	Sydney	1134207
	Victoria (1851)	Melbourne	1140411

Table of the British Empire and its Dependencies, 1894. *(Continued.)*

	Name and Date of Acquisition	Capital	Population
	South Australia (1836)	Adelaide	323109
	Northern Territory (1864)	Palmerston	in. in above
	Queensland (1859)	Brisbane	393938
	Western Australia (1829)	Perth	56000
	Tasmania (1825)	Hobart	152619
	New Guinea (part) and Isles (1888)	Port Moresby	489000
In The Pacific Ocean	New Zealand (1840)	Wellington	634058
	Fiji Isles (1874)	Suva	127444
	Rotumah Is. (1881)		2409
	Tonga Isles (1881)	Tongatabu	23000
In America	The Dominion of Canada (1763)	Ottawa	4833239
	Provs. of Canada: Ontario (1763)	Toronto	2112989
	Quebec (1763)	Quebec	1488586
	Nova Scotia and Cape Breton I. (1714)	Halifax	450523
	New Brunswick (1761)	Fredericton	321294
	Prince Edward I. (1798)	Charlottetown	109088
	Manitoba (1870)	Winnipeg	154442
	North-West Territories (1870)	Regina	99722
	British Columbia and Vancouver I. (1859)	Victoria	92767
	Newfoundland (1713)	St. John's	202100
	Labrador	Hopedale	
	British Guiana (1814)	Georgetown	278328
	British Honduras (1786)	Belize	31471
In The North Atlantic	Bermuda Is. (1609)	Hamilton	15884
	Bahama Is. (1783)	Nassau	48000
	Leeward Is. (Fed. 1871)	St. John	129760
	Leeward Is.: Antigua (1632)	St. John	36700
	Barbuda and Redonda		
	Montserrat (1632)	Plymouth	11760
	St. Kitts (1632)	Basseterre	
	Anguilla (1632)		47660
	Nevis (1632)	Charlestown	
	Dominica (1763)	Roseau	29000
	Virgin Is. (1666)	Roadtown	4640
	Windward Is. (Fed. 1871)	St. George	135976
	Windward Is.: Grenada and Grenadine Is. (1763)	St. George	51427
	St. Lucia (1803)	Castries	41713
	St. Vincent (1763)	Kingstown	41054
	Jamaica I. (1655)	Kingston	639491
	Turks and Caicos Is. (1783)	Grand Turk	4785
	Barbados (1625)	Bridgetown	182322
	Trinidad (1797)	Port of Spain	214496
	Tobago (1763)	Scarbro'	19534
In The South Atlantic	Ascension I. (1815)	Georgetown	360
	St. Helena (1673)	Jamestown	4116
	Tristan D'Acunha (1815)	New Edinb'gh	100
	Trinidade Is. (1815)		15
	Falkland Is. (1771)	Stanley	1789
	South Georgia (1833)		
In Africa	Cape Colony (1815)	Capetown	1527224
	Basutoland (1868)		218902

Table of the British Empire and its Dependencies, 1894. *(Continued.)*

	Name and Date of Acquisition	Capital	Population
	British Bechuanaland, etc., ('85).	.....	72700
	Natal (1856).....	Pietermaritzburg.	543913
	Zululand (1887).....	Eshowe.....	142038
	British South Africa Co. (1888) and British Central Africa (Nyassaland) (1889).....	Fort Salisbury	.....
	British East Africa Co. (1888)...	Mombasa	.....
	Zanzibar and Pemba (1888).....	Zanzibar.....	.....
	Royal Niger Co. (1886).....	Asaba.....	25000000
	Niger Coast Protectorate ('84)...	.....	.....
	Gold Coast Colony (1868).....	.....	1905000
	Lagos (1861).....	Lagos.....	107000
	The Gambia (1664).....	.....	50000
	Sierre Leone (1791).....	.....	180000
	Walfisch Bay (1878).....	.....	.....

The following are the latest returns: The United Kingdom, its colonies and dependencies have an area of 9,180,700 square miles and a population of 345,282,-960. In addition Britain holds protectorates and spheres of influence over 2,240,400 square miles, with a population of 36,122,000. This makes the total area of the whole British Empire 11,421,100 square miles with a population of 381,404,960.

WARDENS OF KENT.

The Wardens and Municipalities they represented were as follows:

1850 George Duck, Reeve, Township of Howard.
1851 " " " " "
1852 James Smith, Reeve, Townships of Camden and Zone.
1853 " " " " " " "
1854 " " " " " " "
1855 " " " " " " "
1856 " " " " " " "
1857 " " " Township of Camden.
1858 " " " " "
1859 " " " " "
1860 " " " " "
1861 " " " " "
1862 " " " " "
1863 L. H. Johnson, Reeve, Township of Chatham.
1864 George Young, Deputy Reeve, Township of Harwich.
1865 " " " " " "
1866 John McMichael, Reeve, " "
1867 Caleb Coatsworth, " Township of Romney.
1868 John Duck, " " Howard.
1869 Geo. W. Foott, " " Dover.
1870 Stephen White, " " Raleigh.
1871 Israel Evans, " Town of Chatham.
1872 Dr. D. J. VanVelsor, Reeve, Township of Harwich.
1873 Joseph Roberts, " " Zone.
1874 Arthur Anderson, Deputy Reeve, Township of Camden.
1875 John Lee, Reeve, Township of Orford.
1876 J. A. Langford, Deputy Reeve, Township of Harwich.
1877 Robert Ferguson, Reeve, Township of Camden.
1878 Alexander Trerice, Reeve, Village of Dresden.
1879 T. R. Jackson, " " Blenheim.
1880 Dr. Jacob Smith, " " Ridgetown.

1881 William Hickey, Reeve, Township of Tilbury East.
1882 B. W. Willson, " " Howard.
1883 L. E. Vogler, " " Zone.
1884 David Caughill, " " Harwich.
1885 Dr. Geo. Mitchell, " Village of Wallaceburg.
1886 John Wright, " Township of Dover.
1887 Francis Giffard, " " Camden.
1888 W. A. Mills, " " Chatham.
1889 J. A. McGregor, " " Tilbury East.
1890 D. H. Gesner, " " Orford.
Who died previous to the June Session, when George Johns, Reeve of Bothwell, was elected Warden for the balance of the year.
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LIST OF BARRISTERS AND SOLICITORS IN THE COUNTY OF KENT.

CHATHAM.

Atkinson & Atkinson.
W. H. Robinson.
A. M. Lafferty.
J. B. O'Flynn.
J. W. White.
J. Warren.
Pegley & Sayer.
Edwin Bell.
G. G. Martin.
W. J. Martin.
C. J. O'Neill.
J. A. Walker.
W. F. Smith.
Lewis & Richards.
Wilson, Rankin, McKeough, Kerr & Pike
Thrasher & Arnold.
Scane, Houston, Stone & Scane.
Geo. B. Douglas.
Douglas & Ireland.
John Reeve.
J. D. Lamont.
J. P. Dunlop.
Ward Stanworth.

BOTHWELL.

W. R. Hickey.
Geo. Taylor.

THAMESVILLE.

John Coutts.

RIDGETOWN.

H. D. Smith.
O. K. Watson.
Ridley & Gundy.
W. Mills.

BLENHEIM.

R. L. Gosnell.
R. M. Thompson.

WALLACEBURG.

J. S. Fraser.
A. McDougall.
C. B. Jackson.

DRESDEN.

J. W. Sharpe.
G. E. Weir.

TILBURY CENTRE.

F. E. Nelles.

THE PRESENT OCCUPANTS OF HARRISON HALL.

Judge Bell.
Judge Woods.
Sheriff Mercer.
William Douglas, Q. C.
Archer Ireland, Barrister.
Wm. A. Campbell, D. C. C. & P. &c.
Th s. Scullard, Barrister, Assistant.
Robert O'Hara, Master in Chancery,
William Rannie, Collector.
A. L. Shambleau, County Treasurer.
James G. Fleming, County Clerk.
Robert G. Fleming, City Treasurer.
John Tissiman, City Clerk.
James Weir, Assistant Clerk.
Charles E. Beeston, Sheriff's Office.
J. H. Blackburn, Janitor.

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INDEX TO APPENDICES.

ERRATA.

At page 17, last line from bottom, for *Hull* read *Hall.*
At page 18, line 10 from top, for *Tomlinson* read *Toulmin.*
At page 18, line 18 from top, for *Pudeaux Girly* read *Predeaux Girty.*
At page 63, on line 7, for *fact* read *past.*
At page 69, last line of page, for *1774–5* read *1794–5.*
At page 89, 16 lines from top, for *£600,000* read *$500,000.*
At page 92, line 23 from top, for *then* read *three.*
At page 107, 4th line from top, for *whom with* read *with whom.*
At page 110, line 24 from top, for *prilosophy* read *philosophy.*

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1882	B. W. Willson, "	"	Howard.
1883	L. E. Vogler, "	"	Zone.
1884	David Caughill, "	"	Harwich.
1885	Dr. Geo. Mitchell, "	Village of	Wallaceburg.
1886	John Wright, "	Township of	Dover.
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J. A. Walker.
W. F. Smith.
Lewis & Richards.
Wilson, Rankin, McKeough, Kerr & Pike
Thrasher & Arnold.
Scane, Houston, Stone & Scane.
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